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THE

UNITED STATES MAGAZINE

AND

DEMOCRATIC REVIEW.

THE BEST GOVERNMENT IS THAT WHICH GOVERNS LEAST.

VOLUME V.

CONTAINING THE POLITICAL AND LITERARY PORTIONS OF THE NUMBERS PUBLISHED IN JANUARY, FEBRUARY, MARCH, APRIL, MAY, AND JUNE, 1839.

WASHINGTON, D. C.

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1839.

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THE

UNITED STATES MAGAZINE

AND

DEMOCRATIC REVIEW.

Vol. V. JANUARY, 1839. No. XIII.

THE NEW YORK ELECTION.

Whence the cause of the unexpected defeat which the Democratic party, in the midst of its sweeping march of victory in all other quarters, has recently had to sustain in the great State of New York? This is an interesting question; and we apprehend that in its solution will be found involved a lesson of the philosophy of politics and parties, well worth, if rightly read and wisely heeded, the price of an election lost. It is a question which it need cost us no effort to consider with the entire calmness and candor of disinterestedness. The general series of triumphs of this fall to which this reverse was the first exception—that single exception which proverbially but *proves the rule*—has placed our party and cause so high above the possible reach of danger to its renewed and confirmed ascendency, that we can well afford to approach this question in a spirit of perfect fairness and openness; and to look with the same severe eye of abstract justice upon the faults of friends as of foes.

In our last January Number, in some remarks on the previous election in this State, we anticipated the recovery of the State by the Democratic party, at the succeeding election. The event has partially, though not entirely, disappointed that anticipation. The majority by which the Whigs then swept the State has been reduced between five and six thousand. The aggregate Democratic vote has been increased by upwards of forty-two thousand, being actually between sixteen and seventeen thousand *more* than in 1836, when the Democratic majority was upwards of twenty-nine thousand. Our expectation of a reaction in favor of the Administration policy, and of the recovery of its lost ground by the Democratic party, has thus been verified, though not to the extent then anticipated from the reaction after a similar overthrow in 1824–'25. Its consummation must cost two years—perhaps three—instead of one. The disappointment of our anticipation has consisted in the unex-

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pected increase of the Whig vote above that of last year, being nearly thirty-seven thousand votes, while the Democratic increase has been, as above stated, upwards of forty-two thousand, leaving still a Whig majority of upwards of ten thousand.

The disappointment naturally felt at this result was vastly increased by the extraordinary contrast exhibited in almost all the other elections throughout the Union. The results of these had equally surprised both parties, exhibiting so much earlier than was expected by the most sanguine, the developement of that great popular movement in support of the policy of the Administration, which we had always, in the darkest hour, regarded as certain and inevitable—a movement which from its nature *can never be arrested and turned backward.*

Without enumerating all the States whose elections afforded desisive victories to the Administration, if Maine, Maryland, New Jersey, Pennsylvania, Ohio, came round of their own accord (in the case of some of them entirely unexpectedly) to its support, under all the apparent disadvantages of its position, what was not to be expected from New York! The exulting anticipation of triumph was thus wrought so high, that it is not surprising that its disappointment created a sudden revulsion of feeling which caused the accents of doubt and alarm to be heard in some quarters, at the very time when the general issue of all the elections exhibited one of the finest of party triumphs ever achieved within our history, and established, as before remarked, the ascendency of the present Democratic Administration and policy, high on a ground of impregnable security which certainly a year ago we had not ventured to dream of so soon attaining. However, the very contrast of the exception in the case of New York will serve to bring out into bolder relief the peculiar causes to which alone it can be ascribed; and thus to strengthen the moral of political truth to be derived from it.

We do not propose to dwell upon the means which were strained to the utmost—and to a degree entirely unprecedented—by the Whig party to carry the election. These have been sufficiently explained and exposed by the newspaper press. From many details of private information we have received, we are satisfied of the substantial truth of the charge of a more lavish and corrupt use of money than has ever before been attempted to influence an election. This election was confessedly the last chance of that party. This lost, and every shadow of hope, or inducement to attempt a prolongation of the struggle, was gone. The exertions to be made for this last rally, and the heavy contributions of money, by those individuals and classes best able and willing to contribute freely to such a purpose, were of course proportionate to the vital importance of the stake. That the sums thus raised were of enormous amount, we have never seen directly denied by the Whig press, though the

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charge has been constantly and pointedly urged. It has been in several instances plainly evaded and parried without a denial, while in private the admission has been frequently and freely made. The mode in which such an influence was made to bear effectively on the election, was simple in its means and grand in its combination. The most admirable party organization was carried out through the State, by school districts, of which there are not less than ten thousand. By an analysis of the state of parties in a district, the exact number could be ascertained of individuals in it open to this influence, in any of the thousand forms it may so easily assume. The allotment of these to the care of a suitable committee, could scarcely fail to secure a large proportion of them; while an average of but three or four in each district thus influenced, under the application of this machinery, organized before the knowledge of the general course of the elections elsewhere, would make an aggregate of *thirty or forty thousand* over the State at large. However, all this we pass over, and can afford no more than an allusion to the other causes of local influence, which it is well known have been most efficiently plied against the Democratic party—the question of *small bills*, which was made the principal issue in many parts—the "Patriot" excitement along the northern tier of counties—the New York and Erie Rail Road question throughout the southern—the old Anti-Masonry of the West, and Political Abolitionism organized distinctly as an active and zealous party. All these we pass over; for the true question is, why was not the Democratic party triumphant in spite of all these influences, on the strength of its great popular principles, which in all the other elections have been seen to produce such signal results? This is the true question; and its answer must be found in the internal weakness, proceeding from some long and deeply operative cause, of the Democratic party itself in that State.

The truth seems to be, that the Democratic party had held too long and too absolute an ascendency in the State; and had not been entirely exempt from that corrupting influnce upon the purity of its first principles, generally incident to the too long possession of undisputed power, A thorough agitation and disturbance of the old established order of things had become necessary, and perhaps on the whole, as an unavoidable destiny, ought carcely to be regretted. That of the preceding election was not enough. The mere fright of that defeat would scarcely have been a sufficient penalty to pay for the long course of erroneous legislation and government, in the building up of that stupendous pyramid of chartered interests, which has since, in the natural course of events, proved the weight that has broken it down. We impute no corrupt or intentional impropriety in this remark; for both parties co-operated in it, and the public opinion

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on the subject, by the light of which we can now review that period, had not then been developed, by time and the progress of events, to its present point of maturity. Still the State administration in power had of course to bear its responsibility and its consequences. Out of this state of things grew necessarily a *too* thorough and strongly marked party organization on both sides, which placed the two halves of the population in a decided, constant, and broadly defined relation of hostility towards each other, without the balance of any very considerable neutral class, or *juste-milieu*, between them. The consequence was, such an implacable opposition of the one half to the established State administration, under the popular designation of "the Regency," as made it impossible ever to bring over any portion of them to its support, in any new combination of events, without a more thorough reform of the old system of things, with a deep agitation of the elements by the discussion of first principles, than could rationally be expected. No majority ought ever so to use its power as to array against it so formidable a minority, in such an attitude of unanimous and implacable hostility; and this effect would never be produced by the mere strict adherance to decided and uncompromising principles of a true democratic character, for unquestionably the majority of the mass of all large parties in this country must be democratic at heart. It then places itself entirely at the mercy of any section of its own numbers, however small, who may choose to secede from the main body, without any other available resources, in a large neutral class or in the moderate and liberal portion of its opponents, from which to draw a compensation for such a defection.

In this state of things, what was the course adopted in the late crisis, and through the period of struggle following the overwhelming defeat of 1837? The mistaken idea was taken up of "*re-uniting the party*"—as if such a body as the Conservatives, with all the motives, interests, and feelings, which had attended their secession, could possibly be brought back to a sound and healthy reunion! The true policy would have been, not to undertake the impossible task of *mending*, but to *re-construct*, from the foundations, anew. In Ohio, for instance, a very different state of things existed, and a very different course was pursued. Instead of attempting a *quasi* compromise between the conflicting opinions in the Democratic party itself, the great principles involved in the policy of the administration were freely, deeply, and thoroughly probed and discussed, with the object of convincing the neutral and the moderate of the opposition; and the result has been, to bring over a sufficient proportion of the honest and sound-minded farmers from the main body of the latter, to convert the strong Whig majority of the preceding election into as strong a Democratic majority. In Tennessee, a similar course is rapidly and decisively achieving the

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same result. In New York, the State administration representing entirely the old order of things, and the old ideas, again appealed to the people to be continued in power at the head of the new; or rather, not to the people, but to its party, and especially to that fraction of it which it ought to have known was irrecoverably and forever lost to it. The marked difference between the course of the Federal administration and that of the State, during the preceding crisis and struggle, was a fatal weakness to the Democratic party in the State. It was as a house divided against itself. At such periods men require something decided, strong, and simple, to engage their favor and arouse their enthusiasm. Weakness, vacillation, and, above all, any liability to the mere suspicion of double dealing, could not but be fatal at such a period. The Divorce of Bank and State was the great issue—and it was not met fully and frankly in the face by the State administration; at the same time that it professed to identify itself with the decided policy and principles of the federal administration. It miscalculated the strength of the sentiment of party loyalty, by which it sought to recombine the old worn-out system out of, substantially, the same materials that had fallen asunder by their own natural antipathy; and to revive an old party organization which had run its destined course, and had become ripe in the fulness of time for that dissolution, to be followed by a reintegration on its original principles, which seems the appointed lot of all artificial human creations.

Notwithstanding the loss of this election, we have not the least misgivings as to the Presidential vote of New York in 1840, to swell the Democratic majority, which there can be no doubt will be decisive whether with or without it. The Democracy of the State is perfectly sound, and will be renewed by this period of atonement and purification. Strong as is the commercial interest in that State, which was combined and brought to bear, on the occasion of this election, with an efficiency and activity unprecedented before, yet the cause of Federalism and a National Bank has no better chance in the Empire State than it had three years ago. On the contrary, the Whigs themselves found it necessary before the election to disavow the advocacy, as a party, of a national bank, and to pay a heavier price in the use of means to carry the election, and in the consumption of political capital by the disavowal of all their old distinctive principles, than the victory was worth. Though we regret the issue, on various accounts, and especially for the sake of a number of individuals connected with the State administration, for whose personal and political worth we have the highest respect, yet on the whole—safe as are the policy and cause of the Federal administration above the reach of danger from its influence—we see many reasons to reconcile us to it; and have no apprehensions that a Whig ascendency of a year or two can have it

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in its power to do any serious injury to the State, or to the still progressive march of the principles of Democracy.

From our very narrow limitation of space for the present Article, we have been able only to allude in general terms to our leading ideas of the causes of the fall of Gov. Marcy's administration. Put forth in a spirit of perfect candor and truth, and referring only to the general principles of the philosophy of party politics, we trust that no expression that we have used will be received in an offensive sense by any. Our single object is, to promote the cause of the truth and the right, and to deduce, for the benefit of the Democratic party in other States, the warning moral and lesson contained in the example of New York.

THE CANADA QUESTION.

SECOND ARTICLE.

In our January Number of last year, in an Article under the above title, we presented a general view of the issue, between the discontented portion of the people of the Canadas and the British colonial government, which, after so long and deeply agitating the country, seemed at last to have sought the arbitrament of arms, as the last resort. Without retracing the ground there gone over, the progress of events since that period has given rise to several questions and topics, connected with the same subject, to which it becomes proper for us to devote a second Article under the same title.

The Administration has been severely assailed from many quarters for the strong course which has been deemed by it right and proper in itself, and due to the national honor and good faith, to pursue in relation to this struggle. The performance of its necessarily unpopular duty in maintaining the only proper attitude for our Government and our people, has been seen to exert a decided adverse influence to its political interests in the elections. On one point only, where the Executive of the State happened to be a Whig, he and his party had to bear the disadvantage of the local excitement growing out of sympathies with the cause and fortunes of the "Patriots." Along all the rest of the frontier, where the reverse was the case, that influence unquestionably has told with a very serious effect against the Administration. Such must always be the lot of any Executive that is placed in such a situation as to be compelled, by the highest considerations, to oppose itself sternly to any local

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current of excitement of such a nature; and since it cannot be averted, it is idle to complain of it as it would be weakness to shrink from it. The general good sense of the broad mass of the community may safely be relied upon to sustain it, in a course so unequivocally approved by all the rest of the country.

Two charges are, however, brought against it, under which those who approve and sustain its course can scarcely be expected to sit down in silent patience. The one is, that it is by a pusillanimous dread of the power of England that this course is dictated. The other, that it is prompted by, and implies, an antipathy to a cause of popular rights nearly analogous to that of our own Revolution, which would be repugnant to the first principles and natural sentiments of a true democracy. Both of these imputations are equally baseless, and equally inconsistent with the position distinctly assumed in the late general Message of the President.

In support of the former, we generally hear adduced the contrast between the vigor and efficiency displayed by the Government in the case of Canada and that of Texas,—in disregard of the obvious fact, that it was the very experience acquired in the case of Texas that pointed out the proper line of duty in the present; affording as it did a demonstration of the utter inadequacy of the then existing laws,—which it has been amply proved *were* enforced to the utmost extent possible. While at the same time was shown the success with which an actual war might be levied by individual enterprise, excited by the tempting allurement of a distribution of spoil and land, against a country to which we were bound by solemn treaty guarantees of peace and friendship; the facility with which a successful invasion might be made of its territory, to make a revolution to which its own malcontent population was inadequate; and with which might be perpetrated with impunity a great national crime, which, whatever palliation we may find in circumstances, or whatever justification in success, the impartial pen of history must always record as nothing more nor less than what it has been well termed, the *robbery of a realm.*

But, unable as the weak and humble power of Mexico was in that case to prevent or punish the wrong done her, it is utterly untrue that our Government was under the least sinister influence from that consideration, to connive at the private war which was levied against her by a portion of our citizens, with such successful boldness as must certainly place it, for all time to come, at the very head of the record of American land-speculations. The existing laws *were*, as we have already insisted, and as has been amply shown elsewhere, carried into execution to the utmost extent possible. And not only was the necessity proved by that experience, of a greatly increased Executive energy, to enforce the neutrality which higher considerations were inadequate to cause to be respected, but in the present

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instance the motives stimulating the Government to the utmost zeal and care were greatly increased, in the altered circumstances of the contest. In the former case the insurgent population consisted entirely of American citizens who had been attracted to settle in the country by the invitation of the Mexican government itself, accompanied with the guarantee of essential rights afterwards unscrupulously trampled on. That population was so directly connected by ties of blood, with our own people, that it was idle to attempt the vain task of stifling, or arresting by process of law, the feelings of nature which prompted thousands to rush to the rescue of the handful of their friends and relations, from what threatened to be a war of extermination. The vast extent of wild unexplored frontier between the two countries, rendering it impossible to interpose with any effect—the unanimity and ardor of the public sentiment throughout all that part of the Union, which must have frustrated the strongest laws—the absence of the immediate danger of calling forth border retaliations, to embroil the government and plunge the country in a state of actual war—the fact that the province was in the unquestionable *de facto* possession of the insurgent population, and that it was impossible to enter into the intentions with which men might undertake to proceed to join them, whether those of the peaceful emigrant, or the military adventurer—certainly the candid observer must recognize, in the contrast presented between this combination of circumstances, and that existing on our northern frontier—together with the benefit of the experience already adverted to—an ample explanation of the difference observable in the action of the Government in the two cases.

So far as *fear of war* is concerned, we are well convinced that such an apprehension is no more to be entertained in the case of England than it was in that of Mexico. For why should we fear such a war? We are surprised that any man of sense could entertain the idea. It appears to us too plainly evident to call for proof, that England would not, durst not, could not, engage in such a war. She is more, far more, dependent on us, in a commercial and industrial point of view, than we on her. The day of England's palmy pride and power has begun sensibly to decline—never in all probability to dawn again. The world is no longer, as in former years, dependent on that prodigious steam power of manufacturing industry and skill which she was able, by the start early given her by the moral advantages of her liberal institutions, and the long general wars that harassed and devastated the rest of Europe, to concentrate within her narrow rock-bound limits. Her monopoly is beginning to be broken up, and England is no longer the common workshop of the world. The other nations are now manufacturing for themselves. The modern developement and diffusion of sci-

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ence, and of the principles of political economy, has vastly curtailed, and is daily diminishing, her advantages over other nations; while the heavy clogs and disadvantages which a fearful accumulation of misgovernment has gathered around her, are beginning to make themselves sensibly felt, in the open competition to which the general peace that has so long prevailed subjects her.

In the progress of manufactures in other nations, the mine is rapidly advancing and spreading, that is sapping the foundations of that stupendous but hollow pyramid of greatness and wealth. And as for the artificial stimulus of paper-money, which has so long sustained her in her magnificent career of power and splendor, she has already used it to the utmost; and from its nature, when once strained and exhausted, as it has been in this instance, it can never be available again. She has already borrowed about four thousand millions of dollars of posterity, on paper credit, and not only can she borrow no more, but an awful murmur is beginning to rise from the vast and dark depths of her oppressed millions, questioning the rightfulness and lawfulness of that debt already contracted, or rather imposed, and impeaching it as essentially vitiated by fraud—the worst of frauds, a fraud against a nation. Men are already beginning to tremble and quake at that boding sound which is slowly spreading and swelling upward, till it is destined to break forth in thunders of the righteous wrath of a people, and to consummate a sublime act which shall forever remain a memorable example to nations and their rulers.

Thus situated, can any one suppose such a thing possible as a declaration of war on the part of England against the United States? Suppose the case, that, in the contest between the government and the malcontents in the Canadas, we had followed the precedent recently set by England herself in the case of Spain, and frequently on former occasions; and, without taking sides—as a government, wielding the national resources and national arms—with either party, had folded our arms, declaring it hostile to the genius of our institutions to interfere with the freedom of the citizen, and had allowed both parties to collect and organize recruits and means within our territories *ad libitum*, and to go and fight out their battle on their own soil as they best might,—could England have pronounced it just cause of war? She, at least, plainly could not; and an attack on her part would have been a war of aggression. And for what object? To maintain at the point of the bayonet an expensive, inglorious, and really mutually disadvantageous, colonial dominion over an unwilling people. Would an English government, bound over as it is (in Canning's well known saying) in eight hundred millions of pounds to keep the peace, dare to venture upon such a war? And if they should, would the English people, the Radical millions—aided in this instance by the coincident interest of the

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moneyed commercial, and manufacturing influences,—for a moment tolerate the idea? To both questions we can have no hesitation in returning an equally unequivocal negative. And moreover, it is manifest that the very act would be the instant signal for the emancipation of the Canadas, and probably all her other North American colonies—the preservation of which is supposed as the very object of such a war.

Some of the Patriots themselves urge these considerations on us, as decisive that we can have nothing to apprehend on this score, but rather every thing to gain. They are right in their premises, but mistaken in supposing us ignorant of them, or insensible to their force. They would also be right in their inference, of what would be the natural course for us to adopt, if they were addressing their arguments to one of the old European powers whose political systems, and principles of policy directing their foreign relations, were essentially different from ours. They may put the case (an impossible one, but still an imaginable one) of the relative attitudes of the two countries being reversed, and ask, whether England would pursue a similar course to enforce a rigid non-interference, on the part even of the individual citizen, to the extent adopted by us. And we are willing frankly to answer, that we do not believe she would. Yet does not that admission affect in the least degree the grounds on which we stand; nor impugn the determination to which we are led, taking counsel only of our own honor, our own good faith, and the consecrated and invaluable principles of our own system of foreign policy.

The first principles of our foreign policy—the only ones—are *peace* and *good-faith.* We are a commercial and industrious people, and all we have to desire is freedom of trade, on the principle of reciprocity, undisturbed by any entangling connection, direct or indirect, avowed or implied, with the difficulties and agitations, whether internal or external, of foreign nations. For this purpose we recognize all governments *de facto*, and treat them with one uniform rule, whether they chance to be the most despotic of tyrannies, or the freest and happiest of republics. Nor ought we to be tempted to a deviation from it, in any instance, by the ardor of approbation and sympathy which the cause of the one party or the other in any domestic struggle may awaken, from the harmony of the principles on which it may act, and the objects it may pursue, with those most devoutly consecrated in our hearts by our own past history and present experience. *Neutrality—non-interference*—in one case as in another—must be our motto; and that not in a mere formal and hollow sense, but truly, substantially, practically, and above all *in good faith.*

And here occurs one of the peculiar distinctive characteristics of our institutions, in contrast to those of other countries. Our govern-

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ments being all founded on the principles of free consent and the supremacy of the popular will, no such distinction exists with us as with others, between the *people* and the *government;* nor can there be an opposition of duties between them. The laws being freely made and modified by the will of the people, a moral obligation to sustain and carry them out is incumbent on the citizen which is not the case where the elements of force and arbitrary power enter into the legislation and government of the country. Every citizen is, under such institutions, not indirectly but directly, a component member of the state; and every duty incumbent on the latter, as a combined and organized whole, ought to be regarded as not less sacred to the former, as one of the constituent parts of which the whole is made up. This duty, then, of *non-interference*, which no one calls in question on the part of the Government, is plainly equally imperative on the individual; and its violation is a crime of very grave complexion, for which no degree of generous ardor in a cause deemed worthy of such enterprise, can be recognized as affording a sufficient excuse. How much stronger the argument in those cases in which the exciting motive—widely different from the noble impulses of a Lafayette or a Kosciusko—may haply be but a cool calculation of a division of confiscated spoil, or an allotment of conquered public domain.

If this duty is disregarded by any considerable number of citizens, under the influence of either of these motives, or any combination of the two, it is clearly an obligation from which there can be no honorable escape, on the part of the Government, not only to enforce its observance, to the utmost extent possible, but to discountenance and suppress the spirit from which such improper agitation proceeds, by every means that may seem necessary to that end, within the scope of its constitutional powers. And this obligation is entirely independent of the nature of the contest whose vicinity may naturally give rise to such an excitement; and would be not less operative whether the current of popular sympathy should set in favor of the one side or the other, in the struggle between established civil and military authority, and the efforts of rebellion to cast off its ascendency.

There is no escaping from the force of this argument. It is one of the highest of duties on the part of our Government to prevent this criminal interference with the domestic concerns of a foreign Power with which we are not only at peace, solemnly guaranteed by the sanctity of treaties, but with which it is one of our most important national interests to maintain that relation. If bound to neutrality between the two parties to the contest, it has no right to stand neutral between them and its own citizens, so as to allow the latter unrestrained license to participate in it; and thus to provoke retaliations, from the one party or the other, the immediate effect

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of which must be to kindle a blaze of actual war along the whole line of frontier between the two countries, with the most lamentable and irreparable consequences of bloodshed and disaster, even though a national declaration of general war might not take place on either side.

And what was the actual state of things, in which the Government has found itself compelled to undertake the unpleasing and unpopular discharge of this duty? It was known that a very extensive secret organization was in progress along our line of frontier from Vermont to Michigan, which had invoked the aid of a means especially odious to American ideas, and hostile to the spirit of American institutions—that of secret association, with illegal and anti-national objects. The full extent of this organization cannot, from its secret nature, be known; we have, however, received the assurance from a source entitled to high credit, that it comprised not less than ninety thousand young men—of whom it is to be presumed that the rash and thoughtless adventurers of Prescott were a specimen—enrolled and pledged to this service, when the proper hour and opportunity should arrive. Allowing for a very great exaggeration in this statement, there can be no doubt either of the magnitude or of the imminence of the danger which called for the prompt and energetic action of the Government; and every disinterested and reflecting mind, considering the matter properly in this point of view, must see in it a sufficient justification for the decisive course adopted by it—without having recourse to absurd presumptions, of a pusillanimous dread of the power of England, or a mean subserviency to her influence; or to the still more absurd one, of an undemocratic sympathy with the cause of authority against that of freedom and self-government.

The following extract from the President's Message (which has met with the singular ill fortune of receiving about an equal measure of abuse from the two antipodes, of Mackenzie's Gazette and the Montreal Herald) places in as clear a light as any commentary we could give, the broad distinction between that kind of interference by American citizens which we have reprobated, and the indulgence and free expression, in proper manner, of that sympathy in a kindred cause which cannot but be deeply and extensively felt in a Republic founded on rebellion against a similar colonial dominion:

"By no country or persons have these invaluable principles of international law—principles, the strict observance of which is so indispensable to the preservation of social order in the world—been more earnestly cherished or sacredly respected than by those great and good men who first declared, and finally established, the independence of our country. They promulgated and maintained them at an early and critical period in our history; they were subsequently embodied in legislative enactments of a highly penal character, the faithful enforcement of which has hitherto been, and will, I trust, always continue to be, regarded as a duty inseparably associated with the maintainance of our national honor. That the people of the United

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States should feel an interest in the spread of political institutions as free as they regard their own to be, is natural; nor can a sincere solicitude for the success of all those who are, at any time, in good faith struggling for their acquisition, be imputed to our citizens as a crime. With the entire freedom of opinion, and an undisguised expression thereof, on their part, the Government has neither the right, nor, I trust, the disposition to interfere. But whether the interest or the honor of the United States requires, that they should be made a party to any such struggle, and, by inevitable consequence, to the war which is waged in its support, is a question which, by our Constitution, is wisely left to Congress alone to decide."

Thus much for the first topic of which we proposed to give our views, the duties of our Government and people in relation to this most unhappy contest, of which we fear that we have as yet witnessed but the opening scenes, in the Canadas. We trust that we have made ourselves distinctly understood, in marking out the precise ground on which we place ourselves, and—with all the decided sentiments in favor of the ultimate objects of the popular party in the contest, which are already sufficiently familiar to our readers—sustain the strong measures deemed necessary by our Government to suppress the illegal and criminal interference in it, of our own citizens. Those measures appear to meet with a very general approval from both political parties; and we cannot doubt that many of those whose personal interests or excited feelings lead them now to place upon them the construction we have here attempted to repel, will themselves, on the "sober second-thought," of which we confess that the benefit has not in this instance been lost on ourselves, perceive their propriety, and the injustice of their own first judgment.

With respect to the question as between the British Government and the Canadian malcontents, considering it in an abstract and speculative point of view, nothing has occurred to change, but much, rather, to confirm the opinions and sentiments freely expressed in our former Article. If it was then opinion, it has now become certainty, that the English colonial ascendency cannot be much longer maintained. The breach is plainly much wider now than it was then. Independently of the events that have occurred to widen it, the total failure of Lord Durham's mission, and the manner and circumstances of that failure, have placed beyond rational question, as it seems to us, the impossibility of effecting any compromise between the two parties that shall restore tranquillity and satisfaction, short of a full concession of the demands of the Canadians. Their principal demand—into which every other may be considered to resolve itself—is for an elective Upper House, and nothing short of that point ever will or can content them; though we confess that on the English side that point would be the concession of every thing. Popular parties, in the pursuit of such objects, never go backward. It is absurd to suppose that in this country and age government can be long maintained on any other basis

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than that of the interest and free consent of the governed mass; and the longer the attitude is maintained by the governing power, of refusing a reform claimed by the majority, the direct and sole effect of which must be to enable the mass to govern themselves according to their own views of their own interests, the deeper must become the resentment, and the stronger the determination, of the latter. A community may sometimes be kept for any indefinite period, in a state of passive content with an extraneous governing power, under the institutions bequeathed to it from age to age; and ideas of liberty and self-government may not penetrate the dull depth and breadth of the inert mass, content with their lot, absorbed in their daily industry, and spell-bound by the prejudices and influences of the education of generations,—but when such ideas have once thus penetrated, it is vain to dream that they can ever be either dislodged or stifled. The human breast is too congenial a soil for such seed, to admit of their ever being eradicated. On the contrary, they must grow, and every year must only strike deeper their roots, and mature the fruits which it is their nature to bring forth. How, then, in the present instance, when the popular demand is for the privilege of self-government by elective legislation—when the truth has gone abroad through the earth, of the sovereignty of the people—and when the vicinity of such institutions as those of our Union must serve as a perpetual model and incentive—how can the British Government cherish the absurd delusion, of being ever able to appease the agitation once thus awakened, by any thing short of the unreserved concession of such a demand? What can such a refusal imply—there being no natural aristocratic order in the country to be represented in the legislature—but a hostile and antagonist interest to that of the mass? And how can the peaceful acquiescence of the latter be ever expected in the ascendency of such an interest, when thus once made sensible to them?

This view of the matter is quite independent of the question of the nature and extent of the actual practical grievances by which the people may have felt themselves oppressed. The inference would be equally true had the operation of this minority governing power been of the most beneficent and "paternal" character conceivable. It is not our object here to go into this question to any extent. It could not affect in the least the view which every reflecting democrat and sincere American must take of such a contest between the causes of reform and conservatism. It is better for the majority of a people to govern itself badly for a time—thus serving an apprenticeship of experience to the art of self-government—than to continue in contented submission under the arbitrary government of any extraneous power, whether of a foreign country or of a minority faction among themselves. In such a case their content would be the most unhappy symptom of their state; and

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their very discontent, with all the disorder and evil springing out of it, is the best prima-facie evidence of their present fitness for freedom. But there can be no doubt that their grievances have been many, long protracted, and irritating. Take for example, in Lower Canada—the vast disproportion between the relative numbers of the two parties and the shares to which they are respectively admitted in the administration of the executive and judicial functions—the numberless instances which the Canadians specify (correctly or not, at least sincerely) of corrupt mal-administration of justice, to their grievous oppression and wrong—the long parliamentary struggle which they waged to procure even a fair tribunal for the impeachment of judges, before they extended their demand to their present principal one, of an elective legislative council—the many measures which they enumerate, for the improvement and benefit of the colonies, which have been frustrated by the legislative incubus of the Council—the denial to their House of Representatives, by the British parliament, of the great popular privilege of *stopping the supplies*, with the seizure and disposal of the revenues of the Province, and the abrogation of the constitution they had supposed solemnly guaranteed, carrying with it the virtual declaration that they possess no other political rights or political existence, than an absolute ultimate dependence on the will and pleasure of Parliament,—here are surely examples enough, and we might allude to others, but have no desire to enlarge upon this topic. In the nature of things, in a country situated as Canada, a minority foreign ascendency, over the mass of a conquered people, must operate oppressively, and must in the course of time generate inappeasable discontents. And if this antagonist relation may have had its origin in the difference of races and languages, and in the relative attitudes of conquerors and conquered, yet in the parliamentary and civil struggles that must ensue between the two, the subject mass must have on their side all the liberal principles of popular rights, perpetually working upwards against the odious superincumbent pressure of authority sustained by a spirit of despotism and the force of the bayonet. The effect of this must be to extend the issue from one of races and languages to one of principles; and to gain over to the popular side a considerable proportion of the emigrant population as it flows in from the mother-country itself. And that such has been precisely the effect in Canada, is proved by the fact, that in the representation of the two parties in the House of Assembly, a majority even of the delegates from those districts inhabited entirely by British and American colonists, and where the English language is alone to be heard, has been found no less steadfast and zealous on the popular side, than the representatives from the districts exclusively French. Another evidence of the same fact is, that their delegates have been not unfrequently chosen

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from the French districts without reference to race, English candidates often presenting themselves to French constituencies, and, when the latter are assured of the soundness of their principles, being often elected over French competitors; and even Wolfred Nelson himself, the idol of the peasantry, and the Chairman of the great meeting of the Six Counties, is thoroughly English in family, habits, associations and religion. That this state of things should be the case in spite of the efforts of the government party to rally the whole European portion of the population to its support on the strength of the prejudice of race, is a most important fact in illustration of the real principles involved in the contest. And, in short, the extent of these discontents—and at the same time their justice—is sufficiently proved by the single and decisive fact, that at the last two general elections that have been held, in 1832 and 1834, the government party was not able, with all its official influence, to obtain more than eight or ten, in a House consisting of eighty-eight members.

We think we have said enough to prove the impossibility, on the part of the British government, of continuing much longer to refuse the Canadian demands. Nor—this concession once yielded—can it be any more possible to retain its colonial dominion over them at all. The events of the last year have developed the question to a still further point. It is now one, not of a reform, but of independence. The Canadians can now never again be satisfied with less. The government and the people have met in arms in the field—they can never again meet in friendly harmony. A river of blood has issued from the ground, and now flows, broadly and deeply, between them, which must ever constitute an impassable barrier to such reunion. The appalling brutalities of a Montreal Herald, invoking the extermination of the whole 'Nation Canadienne' if necessary, and sustained as a prominent organ of its party—the 'new gallows' before the jail door, with their 'comfortable accommodations for six, and for more at a pinch'—the fire and sword of a St. Charles and a St. Eustache*—the 'brilliant' illuminations of a

* The following circumstance will cast some light upon the *quo animo* of the colonial government in relation to the Canadas; and upon the probability of a reconciliation, on any terms, ever taking place between the latter and a party in possession of the government, of which a Sir John Colburn is the favorite executive organ. We hope its benefit will not be lost on those American papers which have been so lavish of their eulogies of Sir John, nor on the English people when called upon to sustain a colonial government administered in such a spirit. The "horrors of St. Eustache" are doubtless familiar to the recollection of all. An imperfect picture, we are assured, was presented of them in our narrative published in our June Number of last year, to which the reader may refer. Before setting out, with an overwhelming force, for that expedition, two Canadian gentlemen of standing and influence sent to Sir John, through the medium of the sheriff in whose hands they were prisoners, an urgent entreaty to spare the effusion of human blood; engaging, if he would send them, or one of them, to the people collected at the north—under any

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country in flames as far as the eye could reach round the whole circuit of the horizon—the hundreds of peasantry, men, women, and children, of every age, driven forth to perish in the woods amid the severities of a Canadian winter—the refusals of quarter to the white flag and the suppliant knee—the numerous acts of individual atrocity necessarily perpetrated by an inflamed soldiery in such a state of things, of which we have heard many revolting details, for which a government may not be responsible, but which a people can never forgive—all these new elements the past year has added to the question at issue, and who can, then, dispute our statement that the chasm of separation between Canada and the mother-country yawns already too widely and fearfully ever to be closed again?* Who can doubt that the first use that the Canadians will make of the increased power, which must be given them by the concessions that cannot be withheld, must be to complete the separation by the establishment of their independence?

Will the British Parliament shut its eyes and its ears against the admission of these truths? Will they enter into a vain contest with necessity and fate, and endeavour much longer to maintain a barren dominion over a reluctant people, at the point of the bayonet and the muzzle of the cannon, under the ill-omened shadow of the

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guard he might think proper, to prevent their escape and observe their language—to convince them of the hopelessness of resistance, and to induce them to lay down their arms and disperse. *The offer was promptly rejected* by the hoary and pious singer of psalms. After the failure of this attempt (which the sheriff can deny if incorrectly stated by us) it is not to be wondered at that the white flag and bended knees of the people of whom this "example" was to be made, met with so little success, in averting the impending destruction. To be fairly appreciated, this fact ought to be taken in connexion with another, which we also venture to state, and for which the evidence can be adduced when challenged by a responsible denial,—*namely*, that a few days previously, before the overthrow of the insurgent cause at St. Charles by Colonel Wetherell, when it is well known that great alarm prevailed on the side of the government party, messengers being sent to Colonel Wetherell commanding him to return to Montreal, with the view of retreating to the citadel of Quebec, (which messengers were intercepted by the insurgents, and by the stupidity of *General* Brown detained instead of being sent forward) *a paper was prepared* by Sir John Colburn, or for him at his orders, addressed to the insurgent leaders, urgently invoking a cessation of hostilities, on principles of Christianity and humanity, to stop the effusion of blood, and engaging on his part to have all their wrongs redressed and their demands granted. The change that came over the spirit of his dream, on the news of the success of Colonel Wetherell, is quite in character with the author of the massacre and conflagration of St. Eustache, and of the other impressive "examples" of the present year.

* "He must be a bold man, indeed, who should now dream of a popular pacification of Canada by means of such stinted powers as Government can grant. The destiny of Canada is, in all human probability, decided. Some years of commotion, the intensity of mutual aggravation, and then separation from this country forever. Canada is gone. The days of its subordinate connexion with Great Britain are numbered. Lord Normanby, or any statesman, will scarcely be ambitious of being in at the death."—*London True Sun, Oct.* 28.

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gallows? We look with the greatest interest to the proceedings in England that are to grow out of the confronting of the ministers, Lord Durham, and Brougham. We do not censure the Canadians for the unhappy events of last winter.* But the late attempt,

* Justice is not fully done by public opinion in this country, to the men implicated in that unfortunate affair. On the presumption that it was an intentional and concerted rebellion, they have been held to the heavy responsibility of failure, and the criminality of rashly hazarding such disastrous consequences with such inadequate means. O'Connell has undertaken to censure Papineau for having departed from his system of agitation unaccompanied by violence. This opinion is entirely erroneous and unjust; and it is too important a point to the reputation of many noble and gallant men to allow us to pass it over in silence. There was no concert, preparation, or even intention, of insurrection last winter. The system adopted, and which was in process of being most admirably and efficiently carried out, was one of peaceful agitation, to extort the redress and reforms demanded, by constitutional and legal means. The great meeting of the Six Counties, on the 23d of October, at which six thousand persons were present, and over which Wolfred Nelson presided, was entirely open in all its proceedings. The only steps in contemplation then and there, were to organize the people effectively for the execution of the plan of agitation proposed, of which the principal features were as follows: non-consumption of British manufactures, and of all dutiable articles, so as to increase the weight of the burthen of the Colonies upon England—the resignation, by all friendly to the popular cause, of all commissions in the militia, &c. which it could be no honor to hold under a government of oppression—the refusal to resort to the government tribunals and officers of "justice" for the settlement of disputes, and the appointment of the three or four best men in each parish, possessing the popular confidence. to perform the functions of friendly arbitrators—a general determination to make common cause with any of their friends selected as objects of prosecution by the government, to sustain them by their best assistance and contributions—contributions to arm their friends in the towns and at points where the interference of the military in elections had before taken place, and might again be apprehended in the general election which was now approaching,—these were the leading features of the plan, which could not have failed of success if the government had not suddenly and violently interfered to frustrate it, by driving the people into premature acts of open rebellion. The meeting of the Six Counties appointed another meeting of delegates, to assemble on the 23d of November, who were to confer on the common interests, and take the proper measures for carrying out this plan—to direct and combine this great popular movement of constitutional agitation. *But no plan of insurrection was concerted or intended;* the hope, though faint, was still entertained, that such an extreme would not be necessary to obtain from the Government the concessions demanded.

This we venture to assert on indisputable authority. If any additional confirmation of the assurance be required by any, we will cite, in proof of it, three out of many circumstances that it would be easy for us to adduce: *In the first place*, Dr. Nelson, obnoxious as he was to the government party, did not scruple to expose himself to arrest by going freely among the magistrates and soldiery, after the meeting of the Six Counties, both at Sorel and at Montreal—replying to the cautions of his friends who, fearing the unscrupulousness of those with whom he had to deal, advised him to conceal himself or fly, that he was guilty of no offence against any law, and had nothing to fear—remaining longer in such exposure than he had intended, or than his business required, and even attending a general review of the troops on the *Champ-de-Mars* at Montreal.

In the second place, when Dr. Nelson and six others of the prisoners were induced, as an act of self-sacrifice, to sign the letter to Lord Durham, of which the latter ven-

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inadequate and ill-combined, and, in many cases at least, under leaders whose conduct would render them a disgrace to any cause, right or wrong, with which they might be connected, we look upon as wrong and foolish* in a very high degree, even on the part of

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tured to publish only *a garbled extract*—prevailed upon by the urgent solicitations of an emissary of the government, appealing to them in hypocritical professions of friendship and sympathy, and by assurances that no harm was intended them, and that that concession was alone required to enable the government to release their fellow prisoners (about a hundred and fifty in number) from the severe incarceration in which they had been suffering for already seven months—an acknowledgment of having been guilty of high-treason *could not be extorted from them;* and it was only by mutilating and garbling the paper they were duped into signing, and by totally misrepresenting the circumstances of the act, that Lord Durham was able to trump up a shadow of decent pretext for the unconstitutional and illegal measure which he undertook to adopt, and for which he was most justly rebuked by Parliament, that of transporting them to Bermuda. For the evidence of this, see the statement of Dr. Nelson and Mr. Bouchette, recently made public in their letter to the Editor of the Bermudian.

In the third place, on the morning of the embarkation of the exiles, in a conversation between Dr. Nelson and the Attorney General, the latter, in reply to an appeal of the former, acknowledged substantially that *he could not say that he was in possession of any document or evidence to convince himself* of his (Dr. Nelson) having been guilty of the crime, high-treason, of which he was charged, and for which he was about to be, illegally and unconstitutionally, sent into banishment.

It is well known that the signal for the outbreak was the issuing of warrants for the arrest of all the principal leaders of the popular party, on charges of high-treason, (issued in most cases *in blank*, to be filled up as occasion might require,) and the violent and brutal manner in which the warrants were executed in the case of Messrs. Demaray and Davignon. A person of very high authority has assured us that, but for that latter circumstance, he does not believe a shot would have been fired. On the approach of the troops under Col. Gore, with the sheriff bearing the warrant for the arrest of Dr. Wolfred Nelson, in whose house at St. Denis a large number of the peasantry had hastily assembled for his defence, no summons was made to surrender, nor was any obedience to the warrant in the hands of the civil officer demanded,—which Dr. Nelson has always declared he was prepared to render, well knowing that no one durst or could harm him. The first summons that he received was a cannon-ball that killed three men, followed by a second that killed two, sprinkling him with their blood and brains. Then only did he give direction to fire, for the defence of their lives; and with what effect was proved by the sanguinary repulse that the troops sustained.

Without here recapitulating the events of the struggle, which, notwithstanding the entire absence of preparation, would probably, we think, have been successful, but for the miserable incapacity and misconduct of Brown, we have said enough in this Note to sustain our statement, that there was no plan or intention of a rising last winter; and that therefore all the odium which many have been disposed to heap on the heads of some of the most gallant and worthy men that live, has been entirely unjust and misplaced.

* As for that portion of the movement organized in Vermont by Robert Nelson, Cote, and others, for the invasion of Lower Canada, we have certain information that every word and act of its leaders were reported to Sir John Colburn; and among those who furnished them money, with the most zealous expressions of sympathy, they little dreamed that some *procured the money from Sir John Colburn himself!* It is not for us to undertake to pass upon these gentlemen the exact degree of condemnation which their attempt may merit—it being their own cause and their own

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those whose quarrel it more properly was. It appears to have been undertaken in a spirit entirely unworthy of a truly good and popular cause—witness such men as a Birge, and others of that stamp; it does not appear to have received any countenance from Mr. Papineau, who seems to have had no connexion with it; and we are confident that it would never have been thus undertaken had Wolfred Nelson been in this country, instead of being chained, by an illegal and arbitrary mandate, to the rocks of Bermuda. Of the participation in it by American citizens—whether from motives of a thoughtless and deluded generosity, a desire of excitement and notoriety, or on a cool and mercenary calculation of pay, emoluments and bounty lands—we have already expressed the strong reprobation which it is unnecessary here to repeat. Yet still it must be evident that the Canadas are to be retained, yet a little longer if at all, only by military force, lavishly and rigorously applied. Meantime the whole country runs to waste. Probably not less than fifty thousand persons have emigrated to the United States within the past year. Industry, commerce—all that can make the country happy and prosperous itself, or in any way useful to Great Britain—must continue paralysed; and the English people gratuitously taxed a hard-grudged million a year, to maintain a dominion which, under such circumstances, must be a burthen instead of an advantage—instead of a glory, a disgrace.

The difficulties for the present are, it is to be hoped and presumed, over; and with them the agitation of our frontier will doubtless subside. Those persons who have been able to dupe a portion of our young and adventurous border population into a wild and desperate enterprise, in which the situation of the survivors is probably now more to be regretted than that of their fallen com-

affair. It is certainly not unnatural that men of spirit and sanguine courage, forced thus into exile, under all the circumstances attending their case, and conscious of the certain fact that at least four-fifths of the people of Lower Canada were hostile to the government, should embark in such enterprises. And it is certainly due in justice to them personally to state, that we have been assured by a friend of Robert Nelson, speaking on positive knowledge, that he was only induced to undertake the attempt of an attack upon the government, by urgent and influential invitations which he received from the country itself—he being the only person on the frontier whose name was deemed of sufficient popularity for the purpose. These invitations were, it is stated, from persons who had heretofore abstained from taking part in their political movements—from some who had been cool—others who had even been adverse—representing great changes to have been wrought against the government by the history of the preceding year, and by Lord Durham's administration. We are assured that that gentleman has in his possession upwards of a hundred strong letters of this character. No opportunity was afforded for testing the truth of these representations; for, so badly does the affair seem to have been managed by the Patriots, and so skilfully by Sir John Colburn, that, on entering Canada with a handful of men, where there was a perfect preparation for their reception, as for expected guests, within forty-eight hours they were overwhelmed by a greatly superior force, and compelled to disperse and return.

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rades—and to send so gallant a band as the forlorn-hope of Prescott to meet a fate they did not dare to face in person themselves—after so dreadful a lesson of experience, those persons are not likely again to succeed in a similar criminal attempt. The friends of the popular cause must now needs do that which they ought to have done before, to wait for the action of the British Parliament and people on the subject. Apart from its criminality—on which, with our abhorrence of blood and force where other means, with the aid of a little time and patience, afford a probability of success, we cannot but look with a severe eye, in spite of all the general views of the subject expressed in the course of this and of former Articles—no mistake could have been greater, than that of thus rashly and stupidly interfering when the current of events was already setting so strongly, while peacefully, in their favor. What was the state of things?

The failure of Lord Durham's mission of dictatorship stood confessed; and having been looked to by the people of England as the sole and sovereign panacea by which the diseased state of the Province could be restored to health, the disappointment of those hopes was a great step forward towards the preparation of public opinion for that result which must necessarily follow, unless some adequate means could be devised for the tranquillization and satisfaction of the Colonies—namely the relinquishment of them. If the descent of such a power from the skies into the midst of the conflict of the parties in Canada was ineffectual to restore harmony, what was to be looked for from other attempts or other means? Lord Durham's very unwise and unskilful administration of the government, followed by his sudden throwing up of his commission, plunged the matter into a more difficult state of embarrassment than ever before—a confusion still worse confounded. It was a signal triumph for the popular party, who had witnessed with grief and indignation this most extraordinary measure, of sending out a vice-regal dictator, with all the terrors and splendors of a despotism to awe and dazzle all men into submissive acquiescence with the acts of its irresistible will, guided by its infallible intelligence. Nothing, we think, could justify the ministry in adopting a mode of settling or quelling popular discontents so foreign to the ideas of the age and the country to which applied, nothing but the conviction of its necessity, as the sole untried expedient, before concession, that remained to them. We are entitled to take its adoption as the acknowledgment of such a conviction; and are willing to pardon the ministry its absurdity for the sake of our satisfaction at its failure. Its effect could not but be greatly to encourage the popular party, who raised a shout of rejoicing—not unmingled with the laughter of ridicule—over his inglorious departure from the land upon which he had descended as a *Deus ex machina.* They

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ought then to have waited quietly the result; to have left the government to make the best of the impracticability of the state of things thus thrown on their hands; and the greatest of follies was to relieve them from their embarrassment of what next to do, by a renewal of hostilities which a little time and patience would probably render entirely unnecessary.

A great city should be set upon a hill, that its greatness should be the more conspicuous; but the little hamlet that would aspire to the same elevation makes its insignificance the more manifest to all the world. We have long been inclined to look upon Lord Durham as a political charlatan; his Canadian dictatorship has only proved him a very poor one. We could never have the slightest confidence or respect for a man who, while professing to head such a party as the Radical party of England, was well known, by a thousand current anecdotes, to be in his personal habits the most absurdly aristocratic, haughty and tyrannical man to his domestics and dependents, within the United Kingdom. Such a man could not be other than a charlatan, with nothing in him but a little cleverness, an excessive vanity, and a ridiculous pomposity. There could not be any thing sound, genuine and healthy in such a man. We confidently predicted his failure when he disembarked from on board the Hastings, in all the imposing magnificence of his ostentation of wealth and power. He had come to a great and a grave task, and all this silly gilding and tinsel, while they proved the vanity and pride of the man, proved also his total misconception of its nature, and incompetency to its performance. And this soon became apparent. The first act of the "Pacificator" was to banish all the principal leaders of the popular party, who were guilty of the crimes of being dear to nine-tenths of the nation, and of having been driven to resistance by the arbitrary and illegal attack of the violent minority in the possession of the government—thus exasperating the people themselves who were to be tranquillized, and driving these men into that hostile attitude, on the frontier of a neighbouring country, which must frustrate all efforts at "pacification." While on the other hand the "Liberal" was soon found in more intimate relations with the ultra Tory faction of Canada, out of whose long career of arbitrary violence the agitations of the country had confessedly proceeded, than any former governor. The individual perhaps the most odious to the popular party was made Chief Justice of Quebec; and where the partisan corruption of justice had long been one of the loudest complaints of the popular party, one of the most violent and obnoxious of partisans was placed at the head of its entire administration in the Province; in a capacity which gives him, as the head of the government party, principal dispenser of its patronage, and member of the Executive Council, the

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admirable plurality of offices, of selecting the objects of prosecutions, instructing the prosecuting officers, packing the juries through subservient sheriffs, who hold their offices *at will*, and trying the prisoners—with a direct political interest, in each case, in the issue. The appointment of James Stewart as Chief Justice of Quebec, Mr. O'Sullivan, Chief Justice of Montreal, Andrew Stewart Solicitor General, with Mr. Ogden for Attorney General, could not fail to irritate the popular party in the highest degree; and was certainly aggravating the difficulties of a task which already needed no such increase, that of assuaging the excited and bitter discontents of that portion of the people whose immense preponderance of majority was indisputably attested by the results of the two last general elections.

In the second place, his course in relation to Wolfred Nelson and the other exiles to Bermuda, proved him utterly incompetent to the high duties of such a position. Even on his own garbled and perverted showing, he stood convicted of a high-handed stretch of power, beyond the limits equally of the law, the constitution and his commission; for which he was most justly held up to the rebuke of the Parliament and people of England, by the indignant eloquence of a Brougham,—of whose career this was one of the finest acts; and which, at all the hazards of the consequences to ensue, Lord Durham's best friends were forced to disavow. The act itself showed the weakness and ignorance, as its attendant circumstances showed the meanness and duplicity, of the man. The letter of Nelson and Bouchette, referred to above, convicts His Excellency of one of the most miserable and mean of falsehoods, which, we doubt not, Lord Brougham will not forget, when the former comes to render his account of his stewardship. General opinion has excused what has been regarded as an inconsiderate extension, beyond the strict line of formal and legal right, of a power supposed to be unlimited,—on the presumption that it was really, as it professed to be, an act of generous clemency, adopted with the best of motives and in the fairest spirit. But how does the truth turn out? Instead of a voluntary confession of guilt on the part of these gentlemen, with an appeal to his mercy—it proves that they were repeatedly and urgently appealed to themselves, by an agent of the government, to do an act of magnanimous self-devotion for the sake of their country and their fellow-prisoners, to allow Lord Durham to release the latter from their protracted incarceration, and to commence the work of reform, for which the finest promises were made —that they were assured that no harm was intended themselves, an assurance of which they knew the subtle treachery only on receiving the order for their banishment, on which their indignation burst strongly forth—that it was only by garbling the paper they were thus prevailed upon to sign, that he was able to make any show of

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pretext for his assumption of their acknowledged guilt of high-treason—and that, instead of his reluctance to bring them to trial proceeding either from clemency to them, or from fear of the political prejudices of jurors, the Attorney General had not, within the seven months of their incarceration, been able to procure evidence *even to convince himself* of their guilt! We leave Lord Durham to extricate himself as he best may from the predicament in which he has thus gratuitously involved himself.

A great many Americans appear to have been marvellously fascinated with the condescension and civilities of "His Excellency the Governor General." We confess that if he does not seem to have managed any of the other functions of his ambitious and noble mission with remarkable skill, he does appear to have very shrewdly apprehended one common foible of a large portion of our republican travelling "good society," the adoration of rank and grandeur,—and to have played upon that string (it being so essential a point to generate a favorable public opinion in the Union) very freely, if not over delicately. But for our own part, not having formed one of the thousands who have flocked to Canada this year—and having no violent passion for military reviews, and magnificent services of plate, nor for being hunted up by aides-de-camp in hotels to be invited to the honor of a tea-drinking with the Lady of one of the haughtiest scorners of democratic canaille in Christendom—we have not been drawn within the enchanted circle of this peculiar fascination. And we must therefore claim the liberty of looking, undazzled, from a distance upon all this fine show—this aristocratic ostentation—these body-guards, and this vice-regal style and state—these self-contradicting excesses of a condescension which is certainly any thing but hospitality—and of pronouncing the whole spectacle, in connexion with the political pretensions of the *Radical* Lord Durham, one of the most ridiculous of follies and most impudent of quackeries.

We have gone a little out of our way to speak thus freely of the late Governor General, in order that at least one just and honest opinion in relation to him and his conduct, may issue to England from the American press, which seems to us to have most egregiously misappreciated and overrated the man whom they have—in return for a few candied flatteries to the particular vanity of a few individuals, and to our general vanity as a nation—loaded with a gratuitous prodigality of adulation equally ridiculous and mortifying in our eyes. It is scarcely necessary to say, that it expresses only our individual views, without reference to the sentiments of any that may surround us.

There remain but one or two points more to which we propose to allude in this Article, which has already extended to too great a length.

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With respect to the prisoners taken in the late ill-advised attempts at invasion, we trust that the British Government will deal with them with that generosity and clemency befitting its own character and the spirit of the age. Rash, guilty, as those deluded men may have been, yet we do not conceive that they can rightfully be treated as pirates, or on any other terms than as prisoners of war. However criminal in relation to the laws of their own country their conduct must be regarded—however it may have severed all bonds connecting them with their own government, and entitling them to its protection—and however the latter may have felt itself constrained to repress their lawless proceedings, by disavowing them, and cautioning them against relying on a delusive hope of its protection or interference in their behalf—yet we caution the British authorities (whose determination at the date of this Article remains in suspense) against yielding to the clamor for the blood of those men raised by the rabid fury of some of the Tory organs. They can never cement the union of their colonies with the mother-conntry by blood. They can have no more right to treat them otherwise than as prisoners of war, than Don Carlos had in relation to the English prisoners taken in arms against him on the Spanish soil. The cases are precisely analogous, so far as it respects the rights of the prisoners. Their enterprise being tolerated or discountenanced by their own government, does not affect their rights in relation to the government whose prisoners they may have become. And if Great Britain interfered in the case of the prisoners of Don Carlos, to insist on the treatment of fair prisoners of war being extended to them, it, at least, has no right to apply any other principle to these unfortunate men. Rebellion is not piracy, though it may be high-treason; nor can the volunteer assistance of foreigners to a rebel cause—misguided and thrust forward into the post of danger by artful men who shrank from leading them there, and excited by false representations, and appeals to natural sympathies neither ungenerous nor unworthy—rightfully, in this age at least, subject them to the treatment of murderers and pirates. At any rate if they are treated with the severity now threatened, we have no doubt that it will, instead of striking a panic, immediately kindle an excitement which no efforts of our Government *can* repress, and which will entirely neutralize the beneficial influence of its recent course, and of the recent examples of the disastrous failure to be expected in all similar enterprises, so inauspiciously undertaken and so miserably executed.

There remains but one more of the topics to which we have proposed to allude at present—the arguments by which some of the friends of the Patriots attempt to appeal to motives of *interest* on our part, to aid their efforts to establish their independence. They speak of the danger to the tranquillity of the Union, of the vicinity

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of the English power; and say that our own Revolution will never be complete, nor the full benefit derived of that important feature of our national system, our geographical separation from all the great European powers—so long as England stretches her arms along our whole line of northern frontier. That her principal object in striving to maintain her colonial dominion on the North American continent is to have that strong hold upon us, to enable her to take advantage of those agitations, and probable dissolution of the Union, which she expects to grow (especially under her fostering stimulus) out of the question of slavery. That the Canadas now afford an asylum for vast numbers of fugitive slaves; the transmission of which to the frontier is carried on, as a regular system, to an extent greater than is known or imagined by us—under the encouragement of the British Government, which is very glad to incorporate them into its black regiments, as the only soldiers on whom, from the necessity of their position, it can implicitly rely, whether as against us or against its own discontented subjects. That by the independence of the Canadas, and their incorporation with our Union, an end would be put to this state of things; the expensive system of fortifications and custom-houses along our northern frontier would become unnecessary; we should be secure of the free navigation of the St. Lawrence, with a vastly increased trade with the people of those Provinces, to the developement of whose resources the acquisition of their independence would afford a strong stimulus,—with other arguments of a similar character.

Such are the appeals employed, to seduce us from the plain path of duty dictated to us by the highest considerations of national honor and good faith—not destitute of plausibility, though entirely unsound. We have no such apprehensions of the views of Great Britain in relation to our Union. We have before sufficiently shown the entire coincidence of interest, on the part of the people of England, with our own policy of peace and commerce; nor should we consider the perfect safety from any possible danger of another war with England which is now secured to us by the best of all guarantees, her own interest, to be at all increased by the withdrawal of the geographical facilities for attack which her possession of the Canadas may afford. The security being perfect and satisfactory in its present form, to seek to increase it would be but a work of supererogation. And as for the idea of a prospective annexation of the Canadas, as free republics, to our Union, we see but little to recommend it to favor, and many cogent reasons against agitating or entertaining such an idea. It is from other motives than a spirit of hostile intrigue against the Union that this abduction of slaves is carried on. When the course of events shall bring about, by proper means, and the consent of the mother country, what all parties concede to be after all but a question of time, the

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independence of the Canadas, we conceive that neither their prosperity and happiness, nor our own, would be promoted by an union; which would require on our part an amendment to the Constitution—according at least to the views of the State-Rights school now happily prevalent in this country, and daily extending and strengthening their influence—an amendment not likely to gain the assent of two-thirds of the States. And while the questions of the navigation of the St. Lawrence, and the harbouring of fugitives from justice or service, could easily be satisfactorily arranged without an union, the manifest common interest of both, the spirit of the age, and the ascendency, in both, of that popular will which can never in an industrious and commercial republic be in favor of war, will afford an ample guarantee against any danger of hostile collision between the two. This is, however, all prospective and speculative; and we allude here to these ideas, only in refutation of the argument that it is even for the *interest* of this country—having sufficiently considered the question of its *duty*, on the higher grounds of national honor and good faith—to connect itself with the cause of the independence of the Canadas, by taking part in the contest to be waged for its achievement, with a view to the supposed advantages to be derived from their annexation to our Union.

THE DIVER.

FROM THE GERMAN OF SCHILLER,

By the Author of "Pocahontas."

"Who'll venture it among ye all, my knights and pages brave,
A plunge into the darksome depths of yonder boiling wave!
A golden goblet, rich with gems, I cast into the deep,
He who will dive and bring it thence, the shining bowl may keep."

Thus speaks the king, and from the cliff, that flings its rugged pride,
In sullen majesty above Charybdis' howling tide,
A glittering cup of burnished gold he hurled into the sea,
"Who is there, then, I ask again, will fetch that bowl for me?"

The knights and pages hear his words, yet answer none is given;
They gaze upon the raging sea, then on the smiling heaven,
And no one cares, for golden bowl, to tempt that yawning grave,—
A third time speaks the king: "How now! will none the venture brave!

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But all were silent; when a page, of free and gentle blood,
And gallant mien, stept forth from where his tim'rous comrades stood,
Undid his silken sash, and cast his broidered cloak away,
Ladies and lords, in wonder great, the noble youth survey.

And as he neared the rocky verge, and gazed upon the main,
Each wave she drank Charybdis gave, loud-bellowing, back again;
And still with sound like booming peal, from distant thunder given,
Forth, forth, from out the black abyss, the rushing stream is driven.

It bubbles up, it gurgles forth, it hisses and it roars,
As when on raging fire a stream of gushing water pours;
Wild sheets of foam shoot up to heaven, waves dash into the air,
As if old Ocean's pregnant womb another sea would bear!

At length the stormy Power is laid, and through the foamy rack,
Down, down, as if to hell, there yawned a gaping gulph of black;
And ever as the boiling waves that whirling vortex near;
Sucked far adown its darkling depths, their waters disappear.

Now quick, or e'er the swell roll back, the page looks to the sky,
Breathes forth a hasty prayer, and then—that wild and warning cry!
The greedy surge has swept him down, far, far from mortal ken,
And over him mysteriously the waters close again.

And now above the water-gulph the waves are calm once more,
From Ocean's sullen depths alone upsounds the hollow roar,
"Now, fare thee well, high-hearted youth," thus lords and ladies cried,
While still, with deep and deeper moan, howled dark Charybdis' tide.

"Cast in thy kingly crown, and say, 'whoever brings it me
Shall wear it too, and in my stead shall Lord and Sovereign be.'
The costly prize seek him who lists; for who may live to say
What hidden things that prison-deep shrouds from the light of day?

There many a gallant argosie has sunk, to rise no more,
A shattered keel, a shivered mast, are all the waves restore."
And still with ceaseless tempest-roar, like voice of winter blast,
Loud and more loud that ocean-strife its deafening din upcast.

It bubbles up, it gurgles forth, it hisses and it roars,
As when on raging fire a stream of gushing water pours;

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Wild sheets of foam shoot through the air, waves thunder toward heaven,
As forth from out the black abyss the billowy tide is driven.

And see, upon the flood's dark breast a streak of silver gleam!
A snow-white neck! a nervous arm divides the rushing stream:
'Tis he! and lo! with gesture glad, aloft in his left hand
He bears the dear-won bowl, and gains at last the long'd for land.

Long, long and deep, the swimmer breathed; then hailed the glorious light.
Exultingly they welcomed him, both lord and lady bright.
"He lives! from out the whirlpool's depths, from out a wat'ry grave,
Right gallantly has he prevailed his soul alive to save."

He comes! the joyous crowd gives way. He sinks unto his knee,
And to the king presents the cup. The king—well pleased is he—
Signs to his daughter fair, and she steps forth with gentle smile,
And fills the cup with sparkling wine; and blushes still, the while.

"Oh king! let him rejoice who breathes in rosy light above,"
(Thus speaks the youth:) "In yonder gulf what living horrors move!
Let no man tempt the gracious Gods, and dare the impious sight;
In mercy they have covered it beneath eternal night!

"Down was I dragged with lightning speed; and from some deep sea cave,
Drove forth against me, as I sank, the whirl-stream's raging wave;
It seized me with resistless force, it dashed me round and round;
In giddy circles sweeping on, far through that vast profound.

"I cried to God, at utmost need, to rescue me from death,
And lo! a sharp rock's salient point, projecting from beneath;
I grasped it; there the goblet hung, on pointed coral cast,
Else had it fallen into the depths of that unfathomed waste.

"For still the purple darkness lay, beneath me, mountain deep;
And there, although to human ear all sounds for ever sleep,
The eye revolts at monstrous forms, and shudders to behold
Newts, dragons, snakes, and loathsome things, to shapeless masses rolled.

"It teems, that hideous ocean-hell, with black and frightful swarms,
There giant polypi stretch forth their thousand slimy arms

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There looms th' unwieldy cuttle-fish, there haunts the stinging ray,
And grinds his teeth th' insatiate shark, hyena of the sea.

"And there I hung; and on my heart with conscious horror smote
The dreadful thought, that there, alone, from human aid remote,
In the vast ocean-solitude I clung, in helpless dole,
Amid that noisome cavern-spawn, the only conscious soul.

"And while I shuddered at the thought, crept some huge creature on,
It moved a hundred joints at once—it snapped at me—'twas done!
Blinded with fear I loosed my hold, and then the whirlpool's might
Seized me, but haply swept me up, to safety and to light."

Marvelled the king; and soothly said: "The goblet is thine own;
This costly ring, too, shall be thine, enriched with precious stone
If once more thou wilt venture down, and bring me word again,
Within Charybdis' deepest cave what wonders may be seen."

With softened heart the daughter heard, and spoke, in fluttering tone:
"Father, forbear this cruel sport! Bethink thee, he has done
What no one dared: and if thy heart's wild wish thou can'st not tame,
Let some among your knights step forth, and put the page to shame."

The king has snatched the goblet, and has dashed it in the sea,—
"Fetch me that bowl once more," he cried, "and thou shalt be to me
The first among my belted knights—ay, more! as wedded wife,
This very night, shalt her embrace, who pleads to save thy life!"

It kindles in his inmost soul, it lightens from his eye;
He sees her blush, that lovely one; he hears her wistful sigh;
He marks her cheek fade deadly pale; she sinks! The youth is gone!
In death or life, that costly prize must soon be lost or won.

They hear the thund'ring ocean-surge, they note its backward sweep;
And fair young eyes, bedimmed with tears, look out o'er that lorn deep:
They come, they come, the lone sea-waves, they swell and they subside,
But no sea-wave brings back the youth, to claim his ling'ring bride!

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POLITICAL PORTRAITS WITH PEN AND PENCIL.

No. XI.

BENJAMIN FRANKLIN BUTLER.

There are but few men, indeed, of whom we would say, that they *do honor* to a great party. We are not prone to the common habit of the day, of exaggerating the merits or importance of individuals, in comparison with that stupendous thing, a mass of aggregate millions. It is an honor, according to our conception, to any man, to belong to the Democratic party, if it be in sincerity of heart, and with a liberal expansion of views to the comprehension of the grand, harmonious, simple, and sublime truths of its political faith. But if in any sense allowable, we know no individual, prominent among the public men of the day, to whom—for all the best qualities of heart and head, and a transparent purity of conduct in all the relations of life—we could more sincerely apply the expression, than to the subject of the present sketch. We have heard this opinion so often expressed in private, by political foes as well as friends, whenever brought into personal relations with Mr. Butler, that we feel perfectly justified in thus giving this public expression to it, rather as a matter of general consent than as any tribute of individual sentiment.

Mr. Butler's life presents none of those striking points, of connection with great events of national history, or of adventurous incident, which have lent their interest to some of the biographical narratives we have already presented in this series of Political Portraits. Though he has never yielded to any in the ardor of the interest he has always felt in the political contests of the times, it has only been within a recent period that he has suffered himself to be drawn from the retirement of private and professional life, to bear a conspicuous part on the public stage, in the stirring drama of our national politics. His way of life has therefore flowed on, like an even and unruffled stream, gathering its quiet depth of volume from a thousand springs unseen to the public eye; and though scarcely perhaps noticed by the stranger whose admiration is rather attracted by the more picturesque wildness of the mountain torrent, yet diffusing a daily beneficent utility to the dwellers upon its tranquil borders, and an object of a far higher admiration to the more judicious eye that can better appreciate true excellence. Having risen from a humble beginning, by the quiet but zealous exercise of those qualities which, similarly applied, can never fail

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to command a similar success, industry, self-cultivation, integrity, and purity of life, his career presents one of those pictures best illustrative of the spirit of our institutions, and best calculated for a useful example and encouragement to others.

Mr. Butler is a native of Kinderhook, Columbia county, New York, and is therefore a fellow-townsman of his early and fast friend, the present President of the United States. For the sake of precision it may be worth while to distinguish, that he was born (December 14th, 1795,) in that part of the town bordering on the river, usually known as Kinderhook Landing, though recently set off a separate town, by the name of Stuyvesant. His parents were both from Connecticut, and are both now living, in the enjoyment of a healthy and honored green old age. The subject of the present memoir is their eldest son. Mr. Butler's parentage has this peculiar interest, that those who know him find no difficulty in recognizing in his character, illustrated by his life, the traces of the different influences which his genealogy was calculated to combine in its formation.

His father, Medad Butler, was born in Branford, Connecticut. The grandfather of the latter, Jonathan Butler, was one of two brothers, Irish adventurers, who came to Connecticut in about the year 1710; and who may therefore be regarded as the earliest pioneers of that stream of emigration from the land of generous hearts and ardent temperaments, which has since poured its wealth over the whole extent of our country, and proved one of the most valuable elements of its growing prosperity. He married a descendant of the original Puritan settlers of that Colony. His son, Ezekiel, married Mabel Jones, a lineal descendant of Colonel John Jones and Catharine, a sister of Oliver Cromwell. This Colonel Jones was one the Regicide Judges, and after the Restoration suffered the penalty for that act whose stern glory shall immortalize the names of all who participated in it, by being beheaded for High Treason. His family came to Connecticut, and many of his descendants are to be found in different parts of the United States. Such a descent, of the Irish stock, combined with the Puritan—the latter taking its origin from that stout and high-hearted bench of judges who inflicted the just doom of a nation's vengeance on a tyrant who had dared to deserve its awful wrath, and directly from the side of Cromwell himself—harmonizes well with the quiet ardor of temperament, the calm firmness of purpose and clearness of judgment, the chastened enthusiasm, the strict purity of religious and moral principle, and the unwavering devotion to the great truths of democracy and freedom, which combine to characterize Benjamin Franklin Butler.

His father, after serving an apprenticeship, in New Haven, to a scythe-maker, emigrated, in 1787, to the State of New York; and

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engaged soon after in mercantile business, first at Claverack, and afterwards at Kinderhook Landing, in connection with Stephen Hogeboom, then a Senator in the Legislature of the State, and whose name is well known, as one of the most venerated patriarchs of the Democracy of the State, having been, in fact, in connexion with George Clinton, one of the original founders of the Democratic Republican party of New York.

Mr. Butler's father has always been a remarkably active and public-spirited man; has occupied a seat in the Legislature; and has been for the last fifteen years one of the County Judges for Columbia county. In the course of his business, which was of the most multifarious character imaginable, his eldest son Benjamin from a very early age became an invaluable assistant; and as book-keeper, store-keeper, tavern-keeper, farmer, in addition to the business of 'forwarding,' as owner of a line of Hudson river sloops, in all which departments he was *factotum* in general, he early acquired those practical habits of method, industry, and activity, together with an intimate acquaintance with all descriptions of *the people*, which has since proved invaluable to their possessor in a different profession and a more elevated sphere of life.

The common schools in that part of the country being, at that period, in a very low state, his father, who had had the advantages of the better school system already in operation in New England, when his eldest son was about six years old, succeeded, by great exertion, in establishing a New England teacher in Kinderhook; and until the excellent common school system of New York went into operation in 1813, kept up the school mainly, if not solely, by his exertions,—having been in the habit, for many successive years, of paying all the school-bills in advance to the teacher, and taking on himself all the trouble and risk of collecting them from the individuals, as well as chance might enable him in the course of his miscellaneous business.

From the earliest age Mr. Butler was passionately fond of reading. His father possessed but few books,* nor did the neighbourhood afford many more, but all such as could be found and obtained by him were read with avidity. This taste, with the exhibition of an unusual capacity, and especially of a very remarkable memory, soon made him an object of particular attention to his teacher. He commenced Latin as early as the age of seven. He continued at

* Among these few, it may not be immaterial to mention, were the Works of Benjamin Franklin, which fastened on the mind of their reader with a peculiar force. The remark will be readily believed which we have heard from Mr. Butler himself, that to the influence of that book and that name he ascribed, more than to any other cause, the formation of his character in the particular mould which it assumed, and of those habits of mind, and general views of men and things, which have given direction to his subsequent career in life. The incident, slight as it is, may not be without its utility to parents who may regard the hint as worthy of attention.

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school till the age of fifteen, though during the last five years of that period, at least half of his time was spent out of school, in assisting his father in his business, as already alluded to above. Latin and Greek, with a little French, and mathematics to no greater extent than the earlier rudiments of arithmetic, formed the bulk of the studies of this period, in which he was very assiduous and successful.

On leaving school, in May, 1811, his father's circumstances not enabling him to send him to college, Mr. Van Buren, who was his father's personal and political friend, entertaining a high opinion of his capacity, took him into his office, at Hudson, as a law student. To diminish the expenses which could not easily have been met by his father, without injustice to his other children, Mr. Van Buren, after a short trial of his services in the office, received him into his own family; in which Mr. Butler continued to reside, for the most part, throughout the period of his studies, and in fact for some time afterwards, till his own marriage, in the year 1818. Thus was formed a friendship, founded on intimate and long familiarity, mutual confidence, respect, and attachment—combined, on the part of the subject of our memoir, with an ardor of gratitude equally honorable to both—which the progress of time could only serve to develope and confirm.

The period of his clerkship as a student of law was spent in zealous assiduity to his profession, and to the general cultivation of his mind. Being for the first time placed in a situation affording ample means for the indulgence of his early passion for reading, the first two or three years were devoted by him, in addition to the regular duties of the office, chiefly to miscellaneous literature; and the range of his reading was very extensive and various. But after he commenced to address himself seriously to the duty of studying the law, he did so with a determination and industry rarely surpassed.

These pursuits and studies did not, however, prevent his taking a very earnest interest in the high political excitements that agitated the public mind at that period. An ardent democrat from the earliest opening of his mind to the perception of the great principles involved in the contest of parties, his pen indulged itself freely, and was wielded with no slight degree of energy and eloquence, in the columns of the Democratic paper of Hudson, the "Bee," in support of the war, and of the administration of James Madison. And when at a later day he took his seat in the Cabinet of the late President of the United States, it was not an unpleasing reminiscence, that one of the earliest productions of his pen had been an animated eulogy of which the following was, substantially, the commencement. We give it as a not uninteresting instance of the confirmation of the early impressions of youth, by the mature judgment

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of manhood, in relation to the same individual, on a closer inspection, and a different and more arduous theatre of action:

"Among those who, during the late war, have contributed to sustain the character and exalt the glory of the nation, while they have secured for themselves the approbation and applause of their country, ANDREW JACKSON is pre-eminently conspicuous. Bold and enterprising, to an extraordinary natural sagacity he adds an energy of character which enables him to triumph over every obstacle and find resources in every emergency. Undismayed by difficulties, regardless of reputation, and unawed by clamor, he is influenced alone by his duty to the State, and in the course which that duty is designated, he is indefatigable, vigorous, and successful."

The same pen, set to the same task, would probably employ, at the present day, terms not materially different from the above.

On Mr. Butler's admission to the Bar, in 1817, as an attorney of the Supreme Court and solicitor in Chancery, Mr. Van Buren, then Attorney General of the State, and resident at Albany, received him into partnership in his professional business; which connection subsisted till the appointment of the latter to the Senate of the United States, in December, 1821—with the exception of a interval of a few months in 1819. This temporary separation was caused only by private reasons which it is of no importance to explain, though honorable to both, as evincing the greater solicitude felt by each for the interests of the other than for his own. That interval was spent by Mr. Butler at Sandy Hill, Washington County, when he was induced to accept a flattering and advantageous office of the presidency of a bank, owned by Mr. Barker, of New York, and conducted in connexion with the larger banking institution in the city of New York managed by the latter in person. Mr. Butler, whose recent marriage connected him nearly with Mr. Barker, had already shown himself a decided advocate of free banking; and had written a pamphlet on the subject, in which he urged forcibly the same general views of the true principles of republican freedom and of sound political economy, which are now becoming much more extensively popular in that State. It is rather a remarkable circumstance, that the individual now the most distinguished in that State, as the advocate of those liberal and wise views to which Mr. Butler has been consistently attached from the outset of his career, was at that time the very author of the celebrated Restraining Law, recently repealed, against which the pamphlet here alluded to was directed,—though we by no means would imply, in the credit to which this circumstance may entitle the one, any corresponding discredit upon that other, most upright, wise, and honest statesman. His acceptance of the presidency of the Washington County Bank, an incorporated institution, does not in the least impugn the consistency of his views on this subject. By a clause of the Restraining Law, Mr. Barker had been prohibited from maintaining his private bank, two years being allowed him for the settlement of its affairs. The restriction was, however, easily evaded by him by the purchase of nearly

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the whole of the stock of the chartered institution referred to; which was thus, when its charge was offered to Mr. Butler, to all intents and purposes, a private one. The failure of Mr. Barker's experiment is well known,—a failure by which those banks of our own day which we see unwisely attempting to combine a mercantile with their proper banking business, would do well to take caution. Mr. Barker failed as a *banker*, because he combined with that character the incompatible one of a *merchant*. The fall of his "Exchange Bank" dragged with it, of course, that of its subordinate branch; which, in fact, was already in such a situation on Mr. Butler's first assuming its management as to be compelled to suspend specie payments very shortly afterwards. This event restored Mr. Butler to his profession, though before he left the bank, by great exertions and care, its credit was restored and specie payments resumed.

Immediately on his admission as counsellor, in 1820, Mr. Butler began to appear as an advocate in all the higher courts of the State. Mr. Van Buren, "with a liberality as rare in itself as it was useful to its object," (to quote an expression of the latter) gave him every opportunity of appearing prominently and to advantage in the argument of cases,—sometimes at his own expense; and when his increasing public engagements, on another stage of action, took him from the Bar, much of his professional business naturally devolved upon Mr. Butler.

We have heard the occasion of Mr. Butler's first appearance in the Supreme Court described, (January, 1821,) and it is not undeserving of notice. He was the attorney in the cause, with Colonel Burr and Mr. Van Buren, against the celebrated Mr. Henry, then at the head of the Albany Bar, and one of the most eminent lawyers in the State. The case turned on recondite questions of black-letter learning, and such was the impression made by Mr. Butler's argument, that neither of his distinguished senior counsel thought it worth while to speak in the cause, which was gained single-handed by the young advocate whose first effort was thus so arduous and so honorable. His first cause in the Court of Errors was also won, in the next year, in a similar single combat with the same powerful antagonist,—Mr. Van Buren, who had argued it in the Supreme Court below, having, on his own withdrawal from practice, advised his client to entrust it to Mr. Butler's hands. This success placed Mr. Butler at once in the front rank of the profession. His practice has ever since been very extensive and important; and in the Court of Errors, especially, has been (with the exception of the period when the Revision of the Laws withdrew him from the courts) perhaps as much as twice or thrice that of any other individual.

In February, 1821, he was appointed the District Attorney of the city and county of Albany. This office, involving the duties of criminal prosecutor, was an laborious though useful school, as he had

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constantly to appear against many of the ablest members of the profession, and never (with the exception, we believe, of but a single instance) associated with himself any other assistance. With respect to his manner of discharging the delicate functions of this office, which he resigned in March, 1825, we feel at liberty to transfer from the minutes of the Court of Common Pleas, to the publicity of the present notice, the following extract from the letter in which the court accepted his resignation:

"We accept your resignation, but at the same time regret that the occurrence of events has rendered it necessary for you to tender it.

"And as you are now about to retire from an office you have held with so much honor to yourself and satisfaction to the community; we avail ourselves of this opportunity of expressing the pleasure we derive from the reflection, that the trust reposed in you, as public prosecutor, has been so faithfully discharged. And were we permitted to indulge in the gratifying reflection that *we* also had been successful in any effort to discharge *our* official duties, we yield it to you, as a just tribute, to say, that it is to your candor and ability we are indebted for much of that success.

"From the opportunity we have had of correctly estimating your services for the citizens of this county, we take the liberty to say, on their behalf, that their laws have been fully supported, and in you, their taste, their morals, and their reputation have had a zealous advocate.

"But, sir, more especially are you enabled to congratulate yourself, that those whom your duty has required you to conduct to the bar of justice, have reason to be grateful to you for the opportunities you have afforded them for a fair and impartial trial. This reflection must be peculiarly gratifying inasmuch as it is not enjoyed by all. For the desire to succeed in a cause, regardless of the means, appears to be the strongest passion in the heart of an advocate, and the last and most difficult one, in the whole progress of refinement, to subdue. But in no one does this appear more odious than in a public prosecutor. This great moral conquest it appears you have accomplished at a very early period of your life. We have witnessed, with pleasure, the scrupulous regard you have always had to the means—that they should be no less worthy than the end. While on the part of the people your end and aim were justice, *except that*, you surrendered all to the unfortunate prisoner."

In November, 1824, Mr. Butler was appointed, together with two other distinguished lawyers, to the arduous charge of the revision and codification of all the statutes of the State of New York. In this duty, of which Mr. Butler performed the largest part, he was engaged more or less nearly five years; two of which were so exclusively devoted to it as to compel him to discontinue his appearance in court, as well as his other professional labors. With what signal ability this colossal task was discharged, has long been considered established by the almost unanimous opinion of the bar, the bench, and the public at large, of that State.

Chiefly with reference to this work Mr. Butler allowed himself to be nominated by his political friends, in 1827, for the office of a Member of the Assembly from Albany, and after a sharp contest was elected. In this capacity an immense labor devolved on him, of explaining and advocating the different sections of the new code; in which he had, of course, to encounter single-handed all the objections to be urged from different directions against separate

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portions. A similar charge was performed in the Senate by his colleague in the Revision, Judge Spencer. In this position Mr. Butler gained very high honor. The Statutes, as offered by the Revisers, were in very rare instances altered by the Legislature, except on their own motion, to adopt amendments suggested by themselves; and it was computed that at the regular session, in January, and an extra session which was held for the exclusive purpose of discussing this subject, Mr. Butler had to make not less than five or six hundred speeches, in encounter with the ablest antagonists, embracing the widest scope of inquiry into all the principles of law and practice necessarily involved in so extensive a system of codification.

In 1829 he was appointed by the Legislature one of the Regents of the University; which, however, he resigned in 1832. In 1833 he acted as a commissioner on the part of the State of New York, to settle the long disputed controversy between that State and New Jersey in relation to their boundary line, which was thus after a dispute of half a century brought to a satisfactory termination.

In November of the same year, 1833, he accepted, at General Jackson's very urgent request, the office of Attorney General of the United States, though he had before declined all the previous very honorable offers that had been made to induce him to come to Washington.* This office was so directly connected with his pro-

* We cannot omit in this place quoting the following letter addressed to Mr. Butler, on the occasion of his leaving Albany to assume the office of Attorney General at the seat of government, by a large number of the most respectable and eminent citizens of the former place, not only of all ages and professions but *of all parties.* A volunteer tribute of such a kind, proceeding from such a source,—and not usual on similar occasions, constitutes a higher testimonial to the elevated purity of character and life which could alone have elicited it, than any other public honor could ever afford:

ALBANY, *November* 26, 1833.

"SIR: Your friends and fellow citizens have heard with much concern that you are about to leave a city in which you have resided many years, and in which you commenced an honorable career of professional distinction and public service, to fill a highly important office in the General Government. We cannot suffer you to depart from us, without expressing to you our high estimation of your character and talents, and our regret for the loss of our personal intercourse with you, and your valuable services in our benevolent institutions, and in relation to the interests of our city and the State.

"Yet it is grateful to us to say, that our regret is mitigated by the reflection that you are to be removed to a sphere of wider usefulness, and greater distinction, in which we hope the moral qualities and intellectual powers the developement of which we have witnessed with interest and pleasure, will prove beneficial to our common country, and promote your own reputation and welfare.

"With the solicitude for you naturally produced by the change you have made, is mingled a confidence that your public life will ever be characterized by that love of justice and truth, that moderation and prudence, which have won our esteem and regard, and which we hope will safely guide you through the uncertain future.

"We part with you with the warmest wishes for your public usefulness and personal happiness."

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fession, and was pressed upon him in a manner so flattering, that he did not feel at liberty to obey his own inclination and his own interests, which would alike have prompted him to decline it. It involved very considerable pecuniary sacrifices; but in the struggle in which General Jackson was then engaged with the Bank of the United States, he considered the President entitled to the support and assistance of all who concurred with him in his opposition to the attempts of that institution to defeat the expressed will of the people, and to overthrow the Administration of their choice. This office he continued to hold from November, 1833, till the first of September, 1838. With respect to his discharge of its duties, in preference to giving our own impressions, we will quote the following testimony of a very distinguished member of the Bar, than whom no one could be better qualified to judge, both by constant practice in the Supreme Court, and by all the personal requisites to give authority to his opinions:

"Mr. Butler appeared in the Supreme Court with a high professional character acquired at the Bar of New York, among competitors as numerous, able, and learned as any of the tribunals of our country afford.

"He fully sustained this character: and although the cases of the Government were generally, while he was in office, numerous and important, and his political duties, in those raging times, as a member of the Cabinet, such as to occupy a large share of his time and labor, his efforts in every cause showed a clear conception and thorough investigation of all the points in controversy, and a familiar acquaintance with the legal principles by which they were to be resolved.

"It was universally allowed that no man ever adapted his manner and style of speaking more appropriately to the high tribunal which he addressed. His course of argument, calm, clear, and strong, with no passionate appeals, no vehemence of voice or gesture, no wordy declamation, made its way directly to the understanding and showed a speaker who felt himself above all the arts of the rhetorician, and all desire of display.

"He had gained much reputation for eloquence not only at the Bar, but by those efforts which a man of public spirit and of high moral and religious feeling is continually called upon to make, in the prosecution of the various benevolent objects that engage the attention of an enlightened community. However warm and earnest and impressive his addresses had been to the feelings of his hearers on such occasions, he had the good sense to see, what seems not always to be perceived by gentlemen on such occasions, that law questions are not thus to be argued before a court.

"One thing was always observed in him—that he spoke and reasoned from his own convictions, with more or less confidence in the positions he maintained, according to his belief of their correctness; and no one doubted that, in the important constitutional questions he was called on to discuss, he mentioned no doctrines but such as he conscientiously believed were consistent with the great charter of our rights, and necessary to preserve and perpetuate the blessings it was designed to confer. His doctrines were such as became an American Jurist, equally remote from the wild speculations of the latitudinarian, and the narrow and impracticable limitations of the close construer of words.

"For another quality he will (as he deserves) be long remembered—his never-varying courtesy to the Bench and Bar, the result of no studied art, but the evident impulse of the kindest feelings. His opponents in discussion always found themselves and their opinions treated with respect, and their arguments met with the utmost candor and fairness."

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In addition to his discharge of the duties of his office in court, its other labors were of unexampled amount during the period that it was held by Mr. Butler; and the number of written opinions given by him, on questions constantly submitted to him from all the other departments and offices of the Government, was probably not less than three or four times the number given by any of his predecessors.

For a period of about five months from October, 1836, to March, 1837, Mr. Butler added to his other multifarious and almost gigantic labors those of the charge of the Department of War, at that time, too, a peculiarly onerous burthen. This appointment, as Secretary of War *ad interim*, was almost forced upon him by General Jackson; who, on the office becoming vacant within so short a period from the close of his Presidential term, was unwilling to interfere, by a new appointment, with the freedom of choice of his successor, in filling his Cabinet according to his own liking. It was the universal testimony of all brought into official relations with Mr. Butler in this capacity, that it had never been filled more efficiently, and in all respects satisfactorily, by any of the predecessors whose undivided attention had been bestowed upon its duties. It may be here mentioned, that to him is due the authorship of the plan for the increase of the army, which was carried into effect at the last session of Congress.

At an early day after accepting the office of Attorney General, Mr. Butler announced his intention of retiring from it at the close of General Jackson's term. It had long been a favorite project with him to establish a Law School in the city of New York; in relation to which he published a pamphlet in 1835, and about at the same period accepted from the University, then recently organized in that city, the appointment of Principal Professor of its Law Faculty, to take effect on his contemplated retirement from Washington. It was not without great reluctance that he yielded to considerations of personal friendship, in consenting to retain his office for one year of Mr. Van Buren's Presidential term; refusing at the same time every inducement held out to him to retain a seat in Mr. Van Buren's Cabinet as Head of one of the Departments of his Administration. He finally resigned it in April of last year, though his resignation could not go into effect until the arrival of his successor at the seat of government, in the month of September.

Mr. Butler is now again in that retirement of private life to which it is well known that his inclinations have always, throughout his official career, so earnestly turned. In addition to a practice in the higher courts which may perhaps, without disparagement to the powerful competitors by whom he may be surrounded, be said to place him at the head of the Bar of his native State, a large por-

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tion of his time, and of the faculties of a mind which may be said to be almost indefatigable and inexhaustible, is devoted to his favorite object of establishing a Law School in that city, commensurate with its greatness, and with his own views of the important benefits to flow from it to the profession and to the public. It is yet in the state of infant experiment, Mr. Butler's opening Inaugural having been delivered only in the month of April last. Its success can as yet be only a matter of prediction and conjecture; though we may safely say, that its failure would falsify all the calculations that it is possible to make, from the importance of an end proposed and the urgency of public demand, together with the signal competency and adaptation of the means employed.

In addition to the incessant labors in which his professional and other avocations have kept him engaged, Mr. Butler has likewise devoted no inconsiderable portion of his most earnest attention to many of the great causes of moral and religious philanthropy of his time; the different institutions for the promotion of which have had a free command of his influence, time, and eloquence, both of the tongue and the pen, on numberless public occasions. Of these we need only specify that of the Temperance Reform, of which he was from the commencement one of the most zealous advocates. It should not, however, be omitted here—as illustrative of the general calm and well-balanced character of his mind—that he never allowed himself to participate in that fanaticism into which so many of those with whom he had from the first acted, afterwards ran. And towards the close he found himself so far separated from the communion of his associates, who directed the organization and public action of the societies—by his refusal to go beyond the restriction of ardent spirits, and to carry out the system of social inquisition and persecution adopted, to an extreme which could not but defeat its own objects—that his own immediate connexion with them ceased as soon as their cause, from a philanthropy, degenerated into a fanaticism.

In this connexion it ought perhaps to be mentioned, that Mr. Butler has been, since the year 1817, a professing and zealous member of the Presbyterian church, though his sentiments have always inclined to the moderate Calvinism of the present day, harmonizing entirely with those of Wilberforce, Hannah More, and others of that school in the Anglo-Episcopal church. At the same time we ought not to omit, that, while earnest in his own views, and strict in the practice appropriate to them, no one could entertain a more expanded liberality of mind, and freedom from every kind of religious intolerance or sectarianism, than characterize the subject of our present sketch.

Mr. Butler has labored with great assiduity to repair the deficiencies of his early education,—with what success is sufficiently

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attested by the elegance, and familiarity with the highest range of ancient and modern literature, which mark many of his public productions. He has never remitted the classical studies* so generally neglected by many similarly engrossed in the active pursuits of professional and public life; and besides some proficiency in the Italian and German languages, has cultivated considerably the French and Spanish,—the last named since he has held the office of Attorney General. And although, as has been seen above, he never graduated at any college, the degree of A. M. has been twice conferred upon him (by Union College, New York, and Williams College, Massachusetts,) as also that of LL. D. by Rutger's College, and by the Regents of the University, in 1834.

Entirely plain and unostentatious in all his habits, few men have been more highly favored in the possession of all the elements of domestic and social happiness, within that circle of private life unseen to the general eye which watches so vigilantly the public career of the politician. His wife, whom he married in 1818, is a sister of that gallant and universally lamented Lieutenant Allen of the Navy, who was killed in a boat attack upon a piratical schooner, in November, 1822, and who has been immortalized in the lines of Halleck doubtless familiar to many of our readers.

As a politician, Mr. Butler has always been a consistent, unwavering and zealous democrat; and, while never false to his principles or his party, he has never failed, on any division of the Republican party, to side with the more democratic of the two portions; as he has also, on several occasions, exhibited an independence, in obeying the convictions of his own judgment, or the generous impulses of his own heart, attesting equally the firmness of his moral courage and the sincerity of his convictions. During his single term as a member of the Assembly of New York, notwithstanding his general desire to avoid taking part in any other business than the special purpose for which alone he had sought a seat there, several opportunities occurred to testify this quality of his political character. It is sufficient for us to allude to two—his support of the Chenango canal (the principal measure of the session,) which his voice and influence carried against the general opposition of his friends;—and his generous advocacy of the claims of the family of Dewitt Clinton on the liberality of the State, which

* It may not be uninteresting to mention that this practice, in Mr. Butler's case, was early derived from the example and advice of Chancellor Kent; who on being found on one occasion by Mr. Butler, engaged in his office in some reading of ancient classic literature having apparently but little connection with the appropriate business of the place, mentioned that it was his daily habit and rule for at least an hour, and earnestly enjoined its adoption on his young friend,—adding an interesting anecdote descriptive of the occasion on which he himself had had the similar benefit of the same example and advice from the late Edward Livingston.

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on one occasion burst forth in an eloquent impromptu appeal in their behalf, which is described as having thrilled its audience with a power and effect rarely surpassed. On both these occasions his course was such, that nothing less than the profound confidence of his friends and his party in his purity of motives, the general soundness of his views, and the value of his political support, could have preserved unimpaired the elevated position in his party which gave to his course its peculiar importance. In 1817 he opposed the election of Dewitt Clinton, which opposition continued till the death of that distinguished citizen in 1828, though never characterized by any feature of bitterness or unfairness. In 1820—'21, he was an earnest advocate of the Convention for amending the Constitution of the State, and was the author of a series of very influential articles, published in the Argus, entitled "Plain Thoughts, &c.," in which the extension of the right of suffrage was urged with all the arguments appropriate to the school of elevated and sincere democracy to which he belonged. When in the Legislature, in 1828, he took the lead in procuring the nomination of General Jackson by the Republican members of that body, advocating his claims strongly and ably in the caucus held for the purpose. In 1824 he had with similar ardor supported Mr. Crawford, in common with most of the Republican party of the State; and his very able vindication of that eminent statesman from the aspersions of anti-republicanism thrown upon him, in a series of papers over the signature of "Americanus," was highly influential in his favor, not only in the State but over the Union at large. He at the same time expressed a high admiration of the character of General Jackson, for whom it has been seen he had always entertained a peculiar enthusiasm; and awarded a very liberal measure of justice to the other competitors for the honor; while at the same time, on a survey of the whole ground, with the lights then open to the public eye, he gave the preference over all to Mr. Crawford. The zealous and efficient support that he gave to General Jackson's administration, before as well as after he became a member of his Cabinet, is well known. At the time of the Nullification excitement, Mr. Butler took the leading part in Albany, in a stormy and violent public meeting, in procuring the passage of resolutions of a decided anti-tariff character, and marked by a very conciliatory spirit towards the State of South Carolina, at the same time that they yielded to the Executive that support so necessary at so difficult a crisis.

In his general views of the Constitution, and of the true public policy of the country, Mr. Butler has always supported to the fullest extent the democratic doctrines of the Jeffersonian school. Adopted in early youth with all the generous ardor which those great and noble principles are so well calculated to excite, the only effect of time and the more mature judgment of manhood, has been to con-

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firm his conviction of their soundness, and deepen that sober enthusiasm in their behalf which is the true fruit of such conviction. He has on various occasions advocated them in public, in orations and addresses, which it is needless to specify, with marked ability and earnestness. In relation to the currency his opinions have exhibited a consistency which many of those would now be glad to boast, whose views, enlightened by the progress of events and the profound discussions that the subject has elicited, are now most sound and wise. We have seen that one of his earliest public efforts was in opposition to the Restraining Law, and with it to that whole system of special, monopoly legislation of which that law was the corner-stone. And if, at the delicate, and we may say fearful, crisis of affairs, on the accession of the present Executive, while the question of the repeal of the Specie Circular was under debate, Mr. Butler's counsels, eloquence and influence were perhaps more effective than those of any other individual, in deciding the firm and boldly sagacious stand taken by the Democratic party, not even the most violent of the opponents whose implacable hostility such a course could not fail to excite, could refuse him at least the credit of consistency with his early and well known opinions on the subject. The bias insensibly exerted upon public men by the connexion that may exist between their public course and private interests, is but too well known, as an influence of the most subtle kind, whose effect we have of late years had to lament in so many signal and fatal instances. In this connexion we are proud to be able to bear a testimony which the unfortunate contrast of so many others makes peculiarly honorable to Mr. Butler,—namely, that, though in no way himself engaged in speculation of any character, few men were under a stronger pressure of private interest and private feeling, to pursue a different course from that which he adopted. And if the voluntarily facing the imminent probability of ruin and beggary, with the sacrifice of all the moderate fruits of a life of such incessant labor and activity as has been above sketched—which a different course of temporizing expediency seemed alone likely to avert—constitute any evidence of sincerity of conviction, and elevated purity of motive, we are proud to claim its benefit, from our own private knowledge, as, in a signal manner, the incontestable due of the subject of the present sketch.

But while Mr. Butler has been thus zealous and active as a politician, he has most amply proved that his acts have had their source in far nobler motives than any of personal ambition. Though there can be no doubt that he could readily have commanded, notwithstanding his youth, the highest honors that the great Republican party of New York could bestow, yet he not only always scrupulously abstained from seeking office, but declined it when offered to him—even to the extent of almost seriously displeasing many

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of his friends. His refusal to retain the office of Attorney General, as likewise to accept one of the Departments of Mr. Van Buren's Administration, has been already noticed. On one occasion only, perhaps, may he now have cause to regret this determination; or if not himself, certainly at least not a few of the latter. We refer to the month of February, 1833, when one of the present Senators in Congress from that State, the Hon. Nathaniel P. Tallmadge, received the caucus nomination of the Legislature of New York by a majority of only seven votes over Mr. Butler,—those who voted for the latter having done so in opposition to his positive wishes and determination, as perfectly understood at the time. Of this a sufficient evidence will appear from the following paragraphs from the Albany Argus of the following day:

"The large vote given to Mr. Butler on the first ballot, when his entire unwillingness to be a candidate was so perfectly understood, was a gratifying compliment, and shows how deeply seated is the confidence of the democracy of the State in its highly gifted and disinterested son.

"It is due to Mr. Butler to say, what is known by every body here to be the fact, that if he had consented to be a candidate, there would have been not only the utmost unanimity in the selection, but that none of the distinguished and justly esteemed citizens for whom votes were cast, would have consented to the use of their names in competition with him."

It is only within a recent period that the violence of partisanship, in the embittered political struggles which have agitated the country, has proceeded to the length of attacking the personal or public character of Mr. Butler. The manner in which some papers have recently assailed him with abuse, counteracting its own objects by its own excesses, adds, however, another to the many instances already familiar, which prove that no elevated purity of life can protect a public man from such assaults, however harmlessly every envenomed shaft of calumny may fall in the dust beneath his feet. Without any farther notice of this matter-of-course species of abuse, we shall barely allude to the only definite charge we have heard or read adduced against him, which was by Mr. Bond, of Ohio, in his speech in the House of Representatives at the last session of Congress,—to the effect, that he had in his official capacity as Attorney General, under the express dictation of the President, contradicted a legal opinion before given by him in his private professional capacity. We allude to it, only to pronounce it a miserable calumny—of which more cannot be said than that it is equally base and baseless. And as for the very paltry sneer, so recklessly hazarded in manifest indifference to the truth—to intimate an habitual servile submission to General Jackson's opinions and wishes—we allude to it only to take the occasion to assert the reverse. No member of his Cabinet exhibited so often probably as Mr. Butler a firm independence and resolution, in the collisions of opinion occasionally occurring, because his position at the council-

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board as its general legal adviser brought him more often than any other into direct contact with almost every question arising. Numerous instances of this trait might be readily cited—in some of which it seemed carried rather far—were it necessary or proper to do so. The very case adduced by Mr. Bond as his chief ground of attack, contained in fact an evidence of its falsehood. We will but allude to one other act within our own knowledge,—in which when the President had yielded to urgent applications of the strongest personal and political interest, to reinstate a cadet dismissed from West Point, Mr. Butler then Head of the War Department, refused to permit such an interference with the proper duty of his office, which he threatened to resign, if the order should be persisted in. We make this denial and refutation, only from respect to Mr. Butler's fair and spotless fame not to the attack upon it; which we here dismiss without farther notice.

The preceding sketch, hastily thrown together, will after all but imperfectly convey the general idea we would impart, to those of our readers unacquainted with the man, of Benjamin Franklin Butler. Having now retired from public life, we feel at greater liberty to speak freely our high appreciation of his many claims to the respect, confidence and affection of his country and his friends, than might otherwise perhaps have been the case. We repeat, that the Democratic party is amply entitled to feel proud of him, as one of the ablest, and at the same time most disinterested and pure of its members. And such as his past career has been, proving him "an Israelite without guile, in whom there is no reproach"—as a patriot, lofty and pure—as a democrat, sincere and ardent—as a statesman, philosophical and sagacious—as a politician, liberal and disinterested—as an advocate, eloquent, calm, persuasive, and forcible—and as a man, in a general sense, possessing one of those admirably organized minds so rarely met with, in which different qualities of excellence are so harmoniously blended and tempered, without an undue excess of any, as to produce, on the whole, one of the best and purest of characters that we can easily conceive—piety without bigotry—philanthropy without fanaticism—enthusiasm without quixotism—boldness without rashness—firmness without obstinacy—calmness without coldness—sagacity without cunning—all the dignity of self-respect without any of the hauteur of pride—the expansive wisdom of the man of study, reflection and practical experience of life, with the single-hearted simplicity of the child—we cannot use a stronger expression than our conviction, that he fully merits all that high appreciation and attachment, which is most earnestly entertained by those who have had the most intimate opportunities of observing and knowing him, in every aspect of his public and private character.

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THE FUTURE LIFE.

BY WILLIAM CULLEN BRYANT.

How shall I know thee in the sphere which keeps
  The disembodied spirits of the dead,
When all of thee that time could wither sleeps,
  And perishes among the dust we tread?

For I shall feel the sting of ceaseless pain
  If there I meet thy gentle presence not,
Nor hear the voice I love, nor read again
  In thy serenest eyes the tender thought.

Will not thy own meek heart demand me there?
  That heart whose fondest throbs to me were given.
My name on earth was ever in thy prayer,
  Shall it be banished from thy tongue in heaven?

In meadows fanned by heaven's life-breathing wind,
  In the resplendence of that glorious sphere,
And larger movements of the unfettered mind,
  Wilt thou forget the love that joined us here?

The love that lived through all the stormy past,
  And meekly with my harsher nature bore,
And deeper grew, and tenderer, to the last,
  Shall it expire with life, and be no more?

A happier lot than mine, and larger light
  Await thee there, for thou hast bowed thy will
In cheerful homage to the rule of right,
  And lovest all, and rendered good for ill.

For me, the sordid cares in which I dwell,
  Shrink and consume the heart as heat the scroll,
And wrath has left its scar—that fire of hell
  Has left its frightful scar upon my soul.

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Yet though thou wear'st the glory of the sky,
  Wilt thou not keep the same beloved name,
The same fair thoughtful brow, and gentle eye,
  Lovelier in heaven's sweet climate, yet the same?

Shalt thou not teach me, in that calmer home,
  The wisdom that I learned so ill in this—
The wisdom that is love,—till I become
  Thy fit companion in that land of bliss?

SONNET.

THE VESTAL LAMP.

As, far within a temple's solemn dome,
  Is one deep shrine where sunbeam entereth not,
Where never common step nor sound may come,
  To break the sacred silence of the spot,—
Home of the temple's own divinity,
  Whose holy calm no breath profane may stir,
  Nor, save its own veiled vestal minister,
May mortal eye its untold mysteries see,—
There ever glows, imperishably bright,
  One quenchless lamp before the shrine suspended,
By purest essence fed that living light,
  By purest hand the heav'nward flame is tended,—
Such in my heart's deep shrine one sacred ray,
Undimmed, undying, burneth still alway!

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TALES OF THE PROVINCE-HOUSE.

No. IV.

OLD ESTHER DUDLEY.

By Nathaniel Hawthorne.

Our host having resumed the chair, he, as well as Mr. Tiffany and myself, expressed much eagerness to be made acquainted with the story to which the Loyalist had alluded. That venerable man first of all saw fit to moisten his throat with another glass of wine, and then, turning his face towards our coal fire, looked steadfastly for a few moments into the depths of its cheerful glow. Finally, he poured forth a great fluency of speech. The generous liquid that he had imbibed, while it warmed his age-chilled blood, likewise took off the chill from his heart and mind, and gave him an energy to think and feel, which we could hardly have expected to find beneath the snows of fourscore winters. His feelings, indeed, appeared to me more excitable than those of a younger man; or, at least, the same degree of feeling manifested itself by more visible effects, than if his judgment and will had possessed the potency of meridian life. At the pathetic passages of his narrative, he readily melted into tears. When a breath of indignation swept across his spirit, the blood flushed his withered visage even to the roots of his white hair; and he shook his clenched fist at the trio of peaceful auditors, seeming to fancy enemies in those who felt very kindly towards the desolate old soul. But ever and anon, sometimes in the midst of his most earnest talk, this ancient person's intellect would wander vaguely, losing its hold of the matter in hand, and groping for it amid misty shadows. Then would he cackle forth a feeble laugh, and express a doubt whether his wits—for by that phrase it pleased our aged friend to signify his mental powers—were not getting a little the worse for wear.

Under these disadvantages, the old Loyalist's story required more revision to render it fit for the public eye, than those of the series which have preceded it; nor should it be concealed, that the sentiment and tone of the affair may have undergone some slight, or perchance more than slight metamorphosis, in its transmission to the reader through the medium of a thorough-going democrat. The tale itself is a mere sketch, with no involution of plot, nor any great interest of events, yet possessing, if I have rehearsed it aright, that pensive influence over the mind, which the shadow of the old Province-House flings upon the loiterer in its court-yard.

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The hour had come—the hour of defeat and humiliation—when Sir William Howe was to pass over the threshold of the Province-House, and embark, with no such triumphal ceremonies as he once promised himself, on board the British fleet. He bade his servants and military attendants go before him, and lingered a moment in the loneliness of the mansion, to quell the fierce emotions that struggled in his bosom as with a death-throb. Preferable, then, would he have deemed his fate, had a warrior's death left him a claim to the narrow territory of a grave, within the soil which the King had given him to defend. With an ominous perception that, as his departing footsteps echoed adown the staircase, the sway of Britain was passing forever from New England, he smote his clenched hand on his brow, and cursed the destiny that had flung the shame of a dismembered empire upon him.

"Would to God," cried he, hardly repressing his tears of rage, "that the rebels were even now at the door-step! A blood-stain upon the floor should then bear testimony that the last British ruler was faithful to his trust."

The tremulous voice of a woman replied to his exclamation.

"Heaven's cause and the King's are one," it said. "Go forth, Sir William Howe, and trust in Heaven to bring back a Royal Governor in triumph."

Subduing at once the passion to which he had yielded only in the faith that it was witnessed, Sir William Howe became conscious that an aged woman, leaning on a gold-headed staff, was standing betwixt him and the door. It was old Esther Dudley, who had dwelt almost immemorial years in this mansion, until her presence seemed as inseparable from it as the recollections of its history. She was the daughter of an ancient and once eminent family, which had fallen into poverty and decay, and left its last descendant no resource save the bounty of the King, nor any shelter except within the walls of the Province-House. An office in the household, with merely nominal duties, had been assigned to her as a pretext for the payment of a small pension, the greater part of which she expended in adorning herself with an antique magnificence of attire. The claims of Esther Dudley's gentle blood were acknowledged by all the successive Governors; and they treated her with all the punctilious courtesy which it was her foible to demand, not always with success, from a neglectful world. The only actual share which she assumed in the business of the mansion, was to glide through its passages and public chambers, late at night, to see that the servants had dropped no fire from their flaring torches, nor left embers crackling and blazing on the hearths. Perhaps it was this invariable custom of walking her rounds in the hush of midnight, that caused the superstition of the times to invest the old woman with attributes of awe and mystery; fabling

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that she had entered the portal of the Province-House, none knew whence, in the train of the first Royal Governor, and that it was her fate to dwell there till the last should have departed. But Sir William Howe, if he ever heard this legend, had forgotten it.

"Mistress Dudley, why are you loitering here?" asked he, with some severity of tone. "It is my pleasure to be the last in this mansion of the King."

"Not so, if it please your Excellency," answered the time-stricken woman. "This roof has sheltered me long. I will not pass from it until they bear me to the tomb of my forefathers. What other shelter is there for old Esther Dudley, save the Province-House or the grave?

"Now Heaven forgive me!" said Sir William Howe to himself. "I was about to leave this wretched old creature to starve or beg. Take this, good Mistress Dudley," he added, putting a purse into her hands. "King George's head on these golden guineas is sterling yet, and will continue so, I warrant you, even should the rebels crown John Hancock their king. That purse will buy a better shelter than the Province-House can now afford."

"While the burthen of life remains upon me, I will have no other shelter than this roof," persisted Esther Dudley, striking her staff upon the floor, with a gesture that expressed immovable resolve. "And when your Excellency returns in triumph, I will totter into the porch to welcome you."

"My poor old friend!" answered the British General,—and all his manly and martial pride could no longer restrain a gush of bitter tears. "This is an evil hour for you and me. The province which the King entrusted to my charge is lost. I go hence in misfortune—perchance in disgrace—to return no more. And you, whose present being is incorporated with the past—who have seen Governor after Governor, in stately pageantry, ascend these steps—whose whole life has been an observance of majestic ceremonies, and a worship of the King—how will you endure the change? Come with us! Bid farewell to a land that has shaken off its allegiance, and live still under a Royal government, at Halifax."

"Never, never!" said the pertinacious old dame. "Here will I abide; and King George shall still have one true subject in his disloyal province."

"Beshrew the old fool!" muttered Sir William Howe, growing impatient of her obstinacy, and ashamed of the emotion into which he had been betrayed. "She is the very moral of old-fashioned prejudice, and could exist nowhere but in this musty edifice. Well, then, Mistress Dudley, since you will needs tarry, I give the Province-House in charge to you. Take this key, and keep it safe until myself, or some other Royal Governor, shall demand it of you."

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Smiling bitterly at himself and her, he took the heavy key of the Province-House, and delivering it into the old lady's hands, drew his cloak around him for departure. As the General glanced back at Esther Dudley's antique figure, he deemed her well-fitted for such a charge, as being so perfect a representative of the decayed past—of an age gone by, with its manners, opinions, faith, and feelings, all fallen into oblivion or scorn—of what had once been a reality, but was now merely a vision of faded magnificence. Then Sir William Howe strode forth, smiting his clenched hands together, in the fierce anguish of his spirit; and old Esther Dudley was left to keep watch in the lonely Province-House, dwelling there with memory;—and if hope ever seemed to flit around her, still it was memory in disguise.

The total change of affairs that ensued on the departure of the British troops did not drive the venerable lady from her strong-hold. There was not, for many years afterwards, a Governor of Massachusetts; and the magistrates, who had charge of such matters, saw no objection to Esther Dudley's residence in the Province-House, especially as they must otherwise have paid a hireling for taking care of the premises, which with her was a labor of love. And so they left her the undisturbed mistress of the old historic edifice. Many and strange were the fables which the gossips whispered about her, in all the chimney-corners of the town. Among the time-worn articles of furniture that had been left in the mansion, there was a tall, antique mirror, which was well worthy of a tale by itself, and perhaps may hereafter be the theme of one. The gold of its heavily-wrought frame was tarnished, and its surface so blurred, that the old woman's figure, whenever she paused before it, looked indistinct and ghostlike. But it was the general belief that Esther could cause the Governors of the overthrown dynasty, with the beautiful ladies who had once adorned their festivals, the Indian chiefs who had come up to the Province-House to hold council or swear allegiance, the grim Provincial warriors, the severe clergymen—in short, all the pageantry of gone days—all the figures that ever swept across the broad plate of glass in former times—she could cause the whole to re-appear, and people the inner world of the mirror with shadows of old life. Such legends as these, together with the singularity of her isolated existence, her age, and the infirmity that each added winter flung upon her, made Mistress Dudley the object both of fear and pity; and it was partly the result of either sentiment, that, amid all the angry license of the times, neither wrong nor insult ever fell upon her unprotected head. Indeed, there was so much haughtiness in her demeanour towards intruders, among whom she reckoned all persons acting under the new authorities, that it was really an affair of no small nerve to look her in the face. And to do the people justice,

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stern republicans as they had now become, they were well content that the old gentlewoman, in her hoop-petticoat and faded embroidery, should still haunt the palace of ruined pride and overthrown power, the symbol of a departed system embodying a history in her person. So Esther Dudley dwelt, year after year, in the Province-House, still reverencing all that others had flung aside, still faithful to her King, who, so long as the venerable dame yet held her post, might be said to retain one true subject in New England, and one spot of the empire that had been wrested from him.

And did she dwell there in utter loneliness? Rumor said, not so. Whenever her chill and withered heart desired warmth, she was wont to summon a black slave of Governor Shirley's from the blurred mirror, and send him in search of guests who had long ago been familiar in those deserted chambers. Forth went the sable messenger, with the starlight or the moonshine gleaming through him, and did his errand in the burial-grounds, knocking at the iron doors of tombs, or upon the marble slabs that covered them, and whispering to those within: "My mistress, old Esther Dudley, bids you to the Province-House at midnight." And, punctually as the clock of the Old South told twelve, came the shadows of the Oliver's, the Hutchinson's, the Dudley's, all the grandees of a bygone generation, gliding beneath the portal into the well-known mansion, where Esther mingled with them as if she likewise were a shade. Without vouching for the truth of such traditions, it is certain that Mistress Dudley sometimes assembled a few of the staunch, though crest-fallen old tories, who had lingered in the rebel town during those days of wrath and tribulation. Out of a cobwebbed bottle, containing liquor that a Royal Governor might have smacked his lips over, they quaffed healths to the King, and babbled treason to the Republic, feeling as if the protecting shadow of the throne were still flung around them. But, draining the last drops of their liquor, they stole timorously homeward, and answered not again, if the rude mob reviled them in the street.

Yet Esther Dudley's most frequent and favored guests were the children of the town. Towards them she was never stern. A kindly and loving nature, hindered elsewhere from its free course by a thousand rocky prejudices, lavished itself upon these little ones. By bribes of gingerbread of her own making, stamped with a royal crown, she tempted their sunny sportiveness beneath the gloomy portal of the Province-House, and would often beguile them to spend a whole play-day there, sitting in a circle round the verge of her hoop-petticoat, greedily attentive to her stories of a dead world. And when these little boys and girls stole forth again from the dark mysterious mansion, they went bewildered, full of old feelings that graver people had long ago forgotten, rubbing

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their eyes at the world around them as if they had gone astray into ancient times, and become children of the past. At home, when their parents asked where they had loitered such a weary while, and with whom they had been at play, the children would talk of all the departed worthies of the Province, as far back as Governor Belcher, and the haughty dame of Sir William Phips. It would seem as though they had been sitting on the knees of these famous personages, whom the grave had hidden for half a century, and had toyed with the embroidery of their rich waistcoats, or roguishly pulled the long curls of their flowing wigs. "But Governor Belcher has been dead this many a year," would the mother say to the little boy. "And did you really see him at the Province-House?" "Oh, yes, dear mother! yes!" the half dreaming child would answer. "But when old Esther had done speaking about him he faded away out of his chair." Thus, without affrighting her little guests, she led them by the hand into the chambers of her own desolate heart, and made childhood's fancy discern the ghosts that haunted there.

Living so continually in her own circle of ideas, and never regulating her mind by a proper reference to present things, Esther Dudley appears to have grown partially crazed. It was found that she had no right sense of the progress and true state of the Revolutionary war, but held a constant faith that the armies of Britain were victorious on every field, and destined to be ultimately triumphant. Whenever the town rejoiced for a battle won by Washington, or Gates, or Morgan, or Greene, the news, in passing through the door of the Province-House, as through the ivory gate of dreams, became metamorphosed into a strange tale of the prowess of Howe, Clinton, or Cornwallis. Sooner or later, it was her invincible belief, the colonies would be prostrate at the footstool of the King. Sometimes she seemed to take for granted that such was already the case. On one occasion, she startled the town's people by a brilliant illumination of the Province-House, with candles at every pane of glass, and a transparency of the King's initials and a crown of light, in the great balcony window. The figure of the aged woman, in the most gorgeous of her mildewed velvets and brocades, was seen passing from casement to casement, until she paused before the balcony, and flourished a huge key above her head. Her wrinkled visage actually gleamed with triumph, as if the soul within her were a festal lamp.

"What means this blaze of light? What does old Esther's joy portend?" whispered a spectator. "It is frightful to see her gliding about the chambers, and rejoicing there without a soul to bear her company."

"It is as if she were making merry in a tomb," said another.

"Pshaw! It is no such mystery," observed an old man, after

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some brief exercise of memory. "Mistress Dudley is keeping jubilee for the King of England's birth-day."

Then the people laughed aloud, and would have thrown mud against the blazing transparency of the King's crown and initials, only that they pitied the poor old dame, who was so dismally triumphant amid the wreck and ruin of the system to which she appertained.

Oftentimes it was her custom to climb the weary staircase that wound upward to the cupola, and thence strain her dimmed eyesight seaward and countryward, watching for a British fleet, or for the march of a grand procession, with the King's banner floating over it. The passengers in the street below would discern her anxious visage, and send up a shout—"When the golden Indian on the Province-House shall shoot his arrow, and when the cock on the Old South spire shall crow, then look for a Royal Governor again!"—for this had grown a by-word through the town. And at last, after long, long years, old Esther Dudley knew, or perchance she only dreamed, that a Royal Governor was on the eve of returning to the Province-House, to receive the heavy key which Sir William Howe had committed to her charge. Now it was the fact, that intelligence bearing some faint analogy to Esther's version of it, was current among the town's-people. She set the mansion in the best order that her means allowed, and arraying herself in silks and tarnished gold, stood long before the blurred mirror to admire her own magnificence. As she gazed, the gray and withered lady moved her aspen lips, murmuring half aloud, talking to shapes that she saw within the mirror, to shadows of her own fantasies, to the household friends of memory, and bidding them rejoice with her, and come forth to meet the Governor. And while absorbed in this communion, Mistress Dudley heard the tramp of many footsteps in the street, and looking out at the window, beheld what she construed as the Royal Governor's arrival.

"Oh, happy day! oh, blessed, blessed hour!" she exclaimed. "Let me but bid him welcome within the portal, and my task in the Province-House, and on earth, is done!"

Then with tottering feet, which age and tremulous joy caused to tread amiss, she hurried down the grand staircase, her silks sweeping and rustling as she went, so that the sound was as if a train of spectral courtiers were thronging from the dim mirror. And Esther Dudley fancied, that as soon as the wide door should be flung open, all the pomp and splendor of by gone times would pace majestically into the Province-House, and the gilded tapestry of the past would be brightened by the sunshine of the present. She turned the key—withdrew it from the lock—unclosed the door—and stept across the threshold. Advancing up the court-yard, appeared a person of most dignified mien, with tokens, as Esther interpreted them, of

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gentle blood, high rank, and long accustomed authority, even in his walk and every gesture. He was richly dressed, but wore a gouty shoe, which, however, did not lessen the stateliness of his gait. Around and behind him were people in plain civic dresses, and two or three war-worn veterans, evidently officers of rank, arrayed in a uniform of blue and buff. But Esther Dudley, firm in the belief that had fastened its roots about her heart, beheld only the principal personage, and never doubted that this was the long-looked-for Governor, to whom she was to surrender up her charge. As he approached, she involuntarily sank down on her knees, and tremblingly held forth the heavy key.

"Receive my trust! take it quickly!" cried she; "for methinks death is striving to snatch away my triumph. But he comes too late. Thank Heaven for this blessed hour! God save King George!"

"That, Madam, is a strange prayer to be offered up at such a moment," replied the unknown guest of the Province-House, and courteously removing his hat, he offered his arm to raise the aged woman. "Yet, in reverence for your gray hairs and long-kept faith, Heaven forbid that any here should say you nay. Over the realms which still acknowledge his sceptre, God save King George!"

Esther Dudley started to her feet, and hastily clutching back the key, gazed with fearful earnestness at the stranger; and dimly and doubtfully, as if suddenly awakened from a dream, her bewildered eyes half recognized his face. Years ago, she had known him among the gentry of the Province. But the ban of the King had fallen upon him! How, then, came the doomed victim here? Proscribed, excluded from mercy, the monarch's most dreaded and hated foe, this New England merchant had stood triumphantly against a kingdom's strength; and his foot now trod upon humbled royalty, as he ascended the steps of the Province-House, the people's chosen Governor of Massachusetts.

"Wretch, wretch that I am!" muttered the old woman, with such a heart-broken expression, that the tears gushed from the stranger's eyes. "Have I bidden a traitor welcome! Come death! come quickly!"

"Alas, venerable lady!" said Governor Hancock, lending her his support with all the reverence that a courtier would have shown to a queen. "Your life has been prolonged until the world has changed around you. You have treasured up all that time has rendered worthless—the principles, feelings, manners, modes of being and acting, which another generation has flung aside—and you are a symbol of the past. And I, and these around me—we represent a new race of men, living no longer in the past, scarcely in the present—but projecting our lives forward into the future. Ceasing to model ourselves on ancestral superstitions, it is our

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faith and principle to press onward, onward! Yet," continued he, turning to his attendants, "let us reverence, for the last time, the stately and gorgeous prejudices of the tottering past!"

While the Republican Governor spoke, he had continued to support the helpless form of Esther Dudley; her weight grew heavier against his arm; but at last, with a sudden effort to free herself, the ancient woman sank down beside one of the pillars of the portal. The key of the Province-House fell from her grasp, and clanked against the stone.

"I have been faithful unto death," murmured she. "God save the King!"

"She hath done her office!" said Hancock solemnly. "We will follow her reverently to the tomb of her ancestors; and then, my fellow-citizens, onward—onward! We are no longer children of the past!"

As the old Loyalist concluded his narrative, the enthusiasm which had been fitfully flashing within his sunken eyes, and quivering across his wrinkled visage, faded away, as if all the lingering fire of his soul were extinguished. Just then, too, a lamp upon the mantle-piece threw out a dying gleam, which vanished as speedily, as it shot upward, compelling our eyes to grope for one another's features by the dim glow of the hearth. With such a lingering fire, methought, with such a dying gleam, had the glory of the ancient system vanished from the Province-House, when the spirit of old Esther Dudley took its flight. And now, again, the clock of the Old South threw its voice of ages on the breeze, knolling the hourly knell of the Past, crying out far and wide through the multitudinous city, and filling our ears, as we sat in the dusky chamber, with its reverberating depth of tone. In that same mansion—in that very chamber—what a volume of history had been told off into hours, by the same voice that was now trembling in the air. Many a Governor had heard those midnight accents, and longed to exchange his stately cares for slumber. And as for mine host, and Mr. Bela Tiffany, and the old Loyalist, and me, we had babbled about dreams of the past, until we almost fancied that the clock was still striking in a by-gone century. Neither of us would have wondered, had a hoop-petticoated phantom of Esther Dudley tottered into the chamber, walking her rounds in the hush of midnight, as of yore, and motioned us to quench the fading embers of the fire, and leave the historic precincts to herself and her kindred shades. But as no such vision was vouchsafed, I retired unbidden, and would advise Mr. Tiffany to lay hold of another auditor, being resolved not to show my face in the Province-House for a good while thence—if ever.

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"A THING OF BEAUTY IS A JOY FOREVER."

Farewell! how oft that word is said
  By those who hope to meet again,
While tears that solace as they flow
  Bespeak the transitory pain!
I do not weep to say farewell;
  All speechless will I see thee part,
While sorrow shall thy image take—
  Companion of my broken heart.

Nor think if cheerless I pursue
  The path that thou hast mark'd with woe,
There is not in my heart a joy,
  That joy itself can never know—
To see thee when thou art not nigh;
  To hear thee when no other hears;
To love thee e'en in time's decay,
  As in thy pride of youthful years!

When life and care have dimmed thine eye,
  So terrible in beauty now,
Unaltered still thy face to see—
  Unchanged the glory of thy brow!
Still on unfaded charms to gaze,
  Till, guided by thy light divine,
My soul shall be refined at last
  To fit companionship with thine!

But thou—where'er thy choice may lead,
  Unmindful of the wreck it makes—
One heart shall follow thee with prayer,
  And bless thee, while for thee it breaks.
Then if at last thy lot may prove
  One worthy of thy love to see,
The rapture of that love be his,
  The triumph mine to die for thee.

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EUROPE LONG AGO.

We Americans are posterity to Europe, and my impressions being of posthumous publication, are nothing more, after all, than one version, of what most have read or heard, and many seen, otherwise—desultory as they will be, familiar and unpretending—with no claim but to historical truth and American independence.

England is a green spot enclosed in hedges, like a garden to an American eye—the country without woods, the roads without ruts, the travelling, thirty years ago, and taverns, much superior to ours, rather snug than showy, at which, as Spencer says, one likes to keep an *in*; such refreshing places for *stopping* at, (as the English express what we call *staying*) as gave rise to Dr. Johnson's rebuke of English hospitality, when he declared that our warmest welcome's at an Inn. Obliging landlords, attentive servants, smart postboys, and *ci-devant* fine horses, limping from the stable to go without a jolt in post-chaises, just as fast as you pay, were means of transport, not so quiet, quick or ostentatious as the multifarious steam ark, with its monotonous cargo of mankind, animals, and things, or the irksome railcar jerking, snorting and sparkling along over desolate places, but more exhilarating and agreeably exclusive. Travelling, and indeed all American existence in England, is annoyed by the continual depredations of innumerable beggars, for dues not alms, infesting the houses and highways with craving importunity; teaching at the cost of purse and forbearance, not only that nothing is done for nothing, but that paying for every thing you are always over-reached, if you suffer those gratuitous tax-gatherers to fix the rate of assessment. The English are not parsimonious, but so much more liberal than other Europeans in all pecuniary contributions, taxes, tythes, subscriptions, and ordinary expenses, (it is not the rich who supply the immense means of that spendthrift government, which are rasped out of labor rather than capital,) and so sturdily independent a people with all that universal civility and venality in certain classes are national inconsistencies. French, Dutch, Germans, Italians, and other Europeans are economists, what we Americans consider stingy, and without the rude manliness of the freeborn. They make a business and a boast of small savings, such as an Englishman seldom resorts to, then privately, and an American shuns as a shame. Yet the English lower classes are nearly all troublesome beggars, for what the same classes of the continent rarely expect, and never exact as their right. If they cheat they do not beg, unless mendicants by profession.

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Visit an elegant establishment in England: the house, grounds, pictures, and other objects of munificence are shown by a respectable, well-dressed old gentleman, in my time with his hair powdered—a class of servants which it pained me to hear call their employers *master*—who will be wronged unless you do your American feelings violence by giving them money. It is the same at a palace, a public establishment, and a private house. I have seen money left under a candlestick at a lady's party, for her domestics. I have heard the servants in Holland, too, complain, because after dining at their master's table, we did not pay their vails. There may be such expectations in France, but I never felt them. Leaving the grand gallery of the Louvre with a lady of Philadelphia, now the wife of a British Peer, who had forgot her handkerchief, I was about to return for it, when I found the door shut, and the guard said I could not go in, as the hour had elapsed, and the exhibition was closed. "I only want to get a lady's handkerchief which she has left behind." "Go in, sir," was the immediate consent, from a common sentry, to whom I could not venture to offer money for such a courtesy. While the magnificent repositories of Paris were thrown open to free admission, it was impossible to get even into the House of Commons but by dint of bribes. Per contra, all French bargains were impositions upon strangers. From half a dozen post-horses to a paper of pins, the price asked was several times the acknowledged value. Every purchase was a chaffer if not a quarrel, for the amount, in which particular there was no such cause for complaint in England. Honor is not the same virtue in those two countries, nor the sense of truth, probity, or courtesy. With a statement of these characteristics I couple no judgment. Others may trace causes and consequences; my purpose being only to set opinion in motion without anticipating it. Avarice and hypocrisy are original sins to which all mankind are subject. The Abbé Correa used to say that the Americans worship God *and* Mammon; yet what great consequences must affect the morals of a people who mostly neither beg or cheat!

The climate of England is well for those brought up to it; but uncomfortable to the children of the American sun; it seems to require active life, generous diet, and disregard of weather, so constantly unpropitious to out-of-door enjoyments, as to superinduce them, for there would be very few if they depended on fair weather. Eating, drinking, exercise, and merry-making, are therefore English necessaries of life. In Tacitus, Horace, and other Roman writers, suppers, which were equivalent to modern late dinners, are continually mentioned. Suppers and suicides were great Roman succedaneums. The long-lived personages described by St. Simon, were all good livers; and dietists are the only persons that in his memoirs died early. Good food and wine, taken in moderation, at

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leisurely meals, with bathing and constant exercise in the open air, was the Roman, as it is the French philosophy of health; and most of it is likewise English, German, and Italian. A water or tea, drinking Frenchman used to be rare. A Persian maxim declares good wine the way to Heaven, because it soothes the passions and softens the crosses of life. Damps, fogs, and small distressing rain—chilly, dark, and dismal days, weeks, and months, in disastrous succession, are thus rendered comfortable in Europe, by conquest of climate, attention to food, and cultivation of existence. The *dolce far niente* which Madame de Staël found in Southern (not so prevalent in Northern) Italy, is the lineal descendant of the Roman *carpe diem*, epicurean love of constant but gentle recreation and entertainment, which in France has many votaries, especially among the bourgeoisie and peasantry, in England some in the upper classes, but in America is inconceivable as yet, if it ever should be acceptable to our utilitarian people, whose very sports are both laborious and lucrative. American climate may require a different Hygiene. To feeble and indisposed Americans the prolonged gloom of London and Paris is especially trying and injurious. The climate of Paris is almost as wet as that of London. A French emigrant, long resident in Philadelphia, took the opportunity of an American Minister's going to France in a vessel of war, to return, and frequently entertained him on the passage with the charms of Paris. It rained during the first three weeks after their arrival there, and the Minister complained to his French fellow traveller of disappointment in the climate. "Why yes," said the Parisian, "I find every thing quite changed for the worse by the revolution." When I was in Paris eighty people died a day, for a considerable period, of the influenza, the effect of a long spell of cloudy, bad weather. I had it severely, had it again, and worse in London, lingered a long while with miserable convalescence, without a ray of sanitary sunshine, which probably never would have been good health without coming home to a true American sweat, with a cold bath in July, which are enjoyments little known among those of Paris or London. Cold bathing I could not find in London. Warm bathing was common at Paris; but owing probably to the unpleasant sensation of cold water in chilly weather, notwithstanding a neatness of dress to which we are strangers, there was little of that personal purification in England, which immersion in water produces, and all ancient refinement inculcates. Dr. Johnson called the French "nasty" for spitting on a brick floor, who might retort that he seldom washed himself all over with oriental scrupulosity. The first Europeans who saw American Indians roast their captives alive by slow fires, and stick their flesh full of hot coals, were shocked at the barbarity, while the Indians despised the Europeans for not liking such manly sport, and betraying, moreover,

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contemptible anxiety for peltries, which they would buy, beg, and even steal, rather than not get. The extremes and the revolutions of our weather are never failing topics of European censure: but are they more unpleasant or unhealthy than the perpetual despotism of dismal skies, so that the health of London is supposed to depend on the kitchen fires always under the houses warming the upper rooms, in which fires are also indispensable nearly all the year? This is a question to be determined by some friendly power having no interest, to whose umpirage it may be left. If judgment is given in spring, it may be for Europe, but if in autumn, the award must be in favor of American climate.

Nothing proves the social as well as political progress of the last quarter of a century more than the moral rebellion, beginning in this country against the rights and regulations of titular rank, which were as absolute as imposing till lately. Rank in England is an exaggeration of that social distinction as it exists in the rest of Europe, owing to the democratic principle, which requires, from the British monarch down through all castes of nobility, the most exclusive and inflexible discipline in authority, by courtesy exacted by merely titular preëminence, unknown, I believe, to antiquity, notwithstanding the despotic prerogative of Babylonian, Persian, Egyptian, and Roman government. Conventional rank, like climate, is an easy yoke for those broke to it. Our own titles, without rank, are almost as absurdly cherished as the English titles with it; and we are apt to revere theirs: yet rank enforced by title we find it hard to comprehend, and still harder to bear. The English claim unquestionable right to regulate it as they please among themselves, and that Americans in England are bound to passive obedience. A Russian Minister in this country declared that he never could be in the presence of a distinguished personage here, once a king, without some of that sense of awe with which subjects contemplate sovereigns—a reverence supposed to pervade the whole theory of ennobled superiority. To us Americans, all sovereigns, and little used to social gradations, sex, age, merit, and station, are the only acknowledged ranks, though titles abound. It seems strange to us that Canning or Scott should habitually yield precedence to titled persons, many of whom were grovelling before the Minister for his official patronage, as most of them were avowed idolaters of the intellectual supremacy of the great novelist. Americans cannot acknowledge the right of that rule which would postpone Washington to every obscure patentee of a title. Some think, indeed, that all titles are mere delusion, without which private wealth and political power would be as authoritative in England as they were at Rome; and that inflexible rank at table, established rank, of both sexes, by birthright, in a dance, and the various other minor impositions of this sometimes galling little

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prepotency, which are the common law of English society, are among the mere absurd remains of feudal barbarity, fast melting away in the rising sun of personal equality now beaming over the world. I believe talent, sex, and age are more appreciated as titles to social rank throughout all other parts of Europe than Great Britain. Are we Americans the iconoclasts to break this brazen image? So great a reformer as Napoleon shivered himself to pieces on it. After equality was completely established by the irresistible level of the revolution, passed in bloody traces through all ranks, his elaborate restoration of titles, and submission to what he found perhaps an overpowering inclination for mere rank, tended as much as any thing else to cast him from authority. But did he misjudge mankind or the French, in the attempt which cost him life, empire, and dynasty? Americans can hardly conceive the merit of mere titular rank as appreciated in Europe; and we are prone to believe that the greatest man in the world threw the world away for a superannuated trifle. In Germany I had the honor of presentation to the Prince of Orange, who, with his wife, full sister of the great Frederick, (as sportsmen would say) were at another inn from that we lodged at in Frankfort. The American Minister, with whom I was, having known them during their exile in England, went to pay his respects to their Serene Highnesses,—a short, chunky man (to use our expressive Americanism) and a large, fine-looking woman, both somewhat advanced in years. We were received graciously and gaily; but as I had no part in the ceremony, being merely a mute attendant, I was on the point of committing what I was not aware would have been a great offence to princely rank, by merely sitting down on a chair, which is not permitted in presence of princes. I have often smiled since at the idea of offence to rank by so simple and natural an act. Yet why not, if inequality by rank is acknowledged? Americans do not often like their servants to be seated in their presence, and political is not personal equality. When once the outer wall of rank is overcome, much of its offensive inaccessibility probably disappears. Through the kindness of the American Minister, I had the honor of an invitation to a Tory Cabinet dinner in London. All the members of the ministry were assembled at the table of a Duke. The whole service was gold, the favorite meat was sturgeon, a royal dish, the finest fruit was pine-apple, of English growth, and the mansion, though less showily furnished than many American private houses at present, (such has been the spread of luxury since,) was large and elegant. From the slight means few such opportunities have afforded of judging of rank in social intercourse, I am satisfied, that at all events high rank is less exacting and more sociable than secondary; and that much of the complaint of rank results from its awkward infliction by those who have least title to it. Nothing

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could be more unaffected than the easy benevolence with which an obscure youth, on the occasion alluded to, was at once put upon a proper footing with titled and eminent persons, who, while naturally asserting their own rank, placed no restraint on him; in which plain and gentle intercourse, without that condescension which Massillon stigmatizes as the pomp of humility, often the most offensive assertion of superiority, the Duke and the Prime Minister were most distinguished and unaffected. When the great republican English poet bears his high testimony that orders and degrees jar not with liberty, but well consist—does he mean titular orders or official degrees? It is every day's American experience that there are public occasions and proper places for attention to official station, private worth, age, and sex, as conducive and essential to social harmony.

Isolated as England is by locality and frequent wars, other English social regulations than those of rank, the regimen of food, habitation, dress, equipage, and fashion—for the most part, like rank, more despotic than elsewhere—are often peculiar to English climate and custom, and inconsistent with ours. Is there no happy mean between rude independence and preposterous refinement? From England, France, Germany, and Italy, America may select and adopt social habits. The English library is our common school, while the French and German vie with it. I understand that most well educated English now speak French without difficulty. The French kitchen, much more chemical and rational, is likewise more congenial with American climate. It is every day superseding even English taste. I mean good cooking, not bad imitations of an undervalued art, on which much happiness depends, by which suffering is avoided, sickness alleviated, and life prolonged. French, Spaniards, and Italians, do not suffer and die of American diseases, as English and Irish, or even Germans: and is not diet the cause? Sobriety, temperance, and well-cooked food. The parlour is debateable ground, though most Americans prefer the English fireside as the best model for our domestic relations. A chamber, both in England and America, is that unknown country whose bourne none but the family can pass without transgression. I was received in Paris by a distinguished lady—the famous X, in the well-known X Y and Z correspondence with our Ministers—to whom I had a letter of introduction, on my first visit, not only in her chamber, but she was in bed, confined, as she said, by having fallen on the ice, and hurt her thigh. I will not say whether such freedom of access and conversation, unknown to English and American manners, are to be desired or deprecated. The actual and the comparative state of polite intercourse between the sexes in both hemispheres, is a fallow field for philosophical developement,—the language of decorum, whether it is best spoken in France or England. The boor who sells a wife, does he degrade either sex more than

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the peer who sues for money from her seducer? The whole condition of female morality, affection, and influence, in Europe, may be more elegant, but is it more respectable or desirable than American? Some philosophical inquirer may explain a subject full of interest, if fairly treated, without prejudice.

Nothing about London is so impressive as its vastness; more people in one town than in the whole State of Pennsylvania; an immense solitude to an American at first; an uninhabited island cannot be more so. Millions of men, women, and children, talking, looking, and doing every thing much like us; yet utter strangers, exclusive, repulsive, and intolerant. It is a poignant lesson of one's littleness, an impression of loneliness that makes the bowels yearn for home, with a heart-sickness in the very marrow of American bones. All fond anticipation vanishes at sombre reality. The most classic spots so begrimed with smoke they look like any thing but what their pictures represent; many of them hid in such narrow places that their exterior is not fully visible. The whole beau-ideal supplanted like a dream, by waking to gloomy truth. The public journals teem every day with occurrences, public and private, which, when an American reads at home, he supposes he must see, feel, and be present at in London, but when he gets there he is as far off from most transactions of that large metropolis as ever. When an American Minister, who had taken his impressions from books, first entered the paltry House of Commons, and saw a handful of plain-looking men instead of the magnificent multitude which Blackstone's Commentaries had taught him to expect, legislating for the British realms, his amazement was unutterable. Thirty years ago London was not handsome; the private dwellings small, the palaces few and mean, and the building materials unsightly. English pride and show do not dwell in London, or even in buildings, so much as in country life. A London artizan takes pride in avoiding show. Great-great-grandson of the inhabitant of the same shop—he is known by workmanship and wealth, disdains a fine window or attractive front; his display is the immense contents of a vast repository of costly things, into which the entrance is a poor door without a sign. Many of the best shops of London are less ostentatious now than those of Philadelphia or New York. English well born are well fed people, large and comely. Liberty and industry of their inferiors dress the upper classes better than any other nation. But operative John Bull is rather a stumpy, ill-favored specimen of mankind; pastoral John is better favored, and John the picked house-servant, in fine livery, is better still. English women generally, with ruddy complexions and handsome faces, are not equal to those of many other countries in many physical attractions. This perilous assertion, though posthumous, will not escape malediction. A royal favorite, formerly

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and still justly celebrated for beauty, was, even thirty years ago, though a most lovely creature, yet a lump of loveliness; and a celebrated actress, while charming to hear, was a stupendous person to see. I have actually shut my eyes to *listen*, without the disgust of sight, to her delightful voice and performance, and the enthusiastic applause it elicited.

Kensington gardens and Hyde Park of a Sunday are the great English show, and the finest ostentation in the world of large well-dressed men and women, horses, dogs, and equipages of every imaginable description. English display is exterior, in pleasure grounds, parks, race courses, gardens, carriages, clothing, and, above all, horses and their equipments. French elegance ministers to the interior in furniture, theatres, mirrors, porcelain, and female dress, in which it excels. Italy is the preceptor of both in music, painting, statuary and architecture. French theatrical exhibitions are superior to English, not so much in any one thing as on the whole. The Italian opera is the model of all others. A notion predominates in England, that superior wealth begets the best taste and highest refinement; but has it or can it make the best opera, dinner, piece of music or painting?

Fashion is governed by the Salique law in London, where the tailor is a monarch. In Paris there is a queen mantua-maker and a king milliner, but no king tailor; and male dress is not a pure despotism. In London it is absolute; the monarch can do no wrong, as others of his trade can do no right. In Paris, the exquisite tribe is less numerous, but what there are, are more exquisite still than those of London, where it is a much larger race, no one of whom quite equals a very few inimitable French, but all of whom surpass most of the French beau-monde. Female Parisian dress is like the Parisian dialect—something inimitable by foreign or provincial attempts. English fashion is more exclusive than exquisite. It dwells, as probably fashion does every where, not only in the metropolis alone, but only in particular parts, streets, and even sides of certain streets. A stranger furnished from the city of London would be as much behind the modes of one mile further west, as if equipped in another hemisphere; the standard of taste is as different as in a different world.

Of all the superiorities of Great Britain, the domestic animal kingdom is the most unrivalled; the horse, cow, sheep, dog, hare, and rabbit. The English horse is unequalled; cart horse, dray horse, wagon horse, coach horse, stage horse, post horse, gig horse, race horse, hunter, saddle horse, and royal horse, (the cream-colored Hanoverian breed used by the monarch,) all distinct and each perfect in their kind. Pure lineage, perfect training, indefatigable grooming; at least one hundred thousand well mounted gentlemen and ladies all out every tolerable day in Eng-

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land, all attended by their well-mounted grooms, and innumerable vehicles drawn by noble horses, with picked footmen in flashy liveries, and coachmen altogether sui-generis, with their wigs and cocked hats, place this genre, if not for use, at least in appearance, beyond all other nations. The Duke before alluded to, told me that Sir William Draper, when serving in this country, sent him a racking horse, what I think he called a Narragansett, but that the rack was not liked in England, where it is, at least was, universally condemned as equally unnatural for the horse and ungraceful for the rider. I am not sure whether the English war horse is the best. General Moreau preferred the Andalusian horse; and M. de Haussez, one of Charles the Tenth's exiled ministers, in his interesting view of England, gives the preference to the Norman horse for labor and longevity. The continentals, therefore, do not give it up. I believe there is a general opinion on the Continent of Europe, that English cavalry are more showy than serviceable; they are said to have failed at Waterloo. The English clothe, physic, and pamper their horses more than others. There are also American turf-men who consider our race horses superior to the English; but I must confess that to all appearance nothing is comparable, in Europe or America, to the splendid whole of the English equestrian department—horse, carriage, coachman, footman, groom, and all—its entirety, nobility and perfection.

I reached London, driving through the wonderful crowds of the streets, in all the bustle of a contested election. Burdett was then standing his first canvass. I was the bearer of a letter to Cobbett, a large, stout, well built, orderly-sergeant-looking man, very talkative and very abusive. I stood with him at the window of his book store, under the loyal sign of the crown and mitre, when the populace drew Burdett's carriage along Pall Mall. Billingsgate could not *transcend*—as Americans say when they mean, to *exceed*—the coarse and profane reproaches he poured out with unsparing bluntness on the vile mob and their viler Whig leader, with whom afterwards, both leader and mob, he became a Radical, and then quarrelled with the leader as that leader has with the followers. Populace, whether educated or not, seldom reflect that inconsistency is humanity, and that as politicians are not superhuman, so it is human to err, especially for ardent men with strong passions.

Next day I spent at the country residence of the great English advocate—Erskine; extremely free and animated in conversation, very kindly disposed towards this country, and altogether an agreeable host for a young American. It was the cant of his own profession to discredit Erskine as unlearned and undisciplined, and of some English statesmen to deny his parliamentary talents, on the plea, more prevalent there than here, that lawyers cannot be great statesmen. Erskine was certainly eminent in parliament, and un-

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rivalled at the bar. If much the greatest professional reputation and emolument are any tests of excellence, he was the first lawyer, and as a public man he filled a large space with signal ability. William Pinckney declared he would rather be Erskine than any other man of his age; and whoever will compare his speeches with the best of their kind, may see reason for that perhaps extravagant estimate. Erskine, like Pinckney, was a professional enthusiast, which is a talent *per se*. When Dallas, afterwards Chief Justice, was rejoicing, at Erskine's, that the courts were just over, and he should have some repose, Erskine replied with great enthusiasm, and a great oath, that he should like to gnaw another brief immediately. After his short career as Chancellor, he deplored the peerage and pension which deprived him of so much greater professional gain, celebrity and enjoyment; for there is greater enjoyment in signal professional success than mere promotion, titular distinction, or elegant leisure.

I saw Fox in Paris, a fat greasy-looking man, with very shaggy eyebrows, dark complexion, thoughtful expression, plain, unfashionable dress, and a white hat,—which was then such a symbol of Whig or rather Radical politics, that none but a root and branch man would venture to wear it. A Tory or a gentleman would rather wear a turban, than that much despised sign of a party then in great degradation. An American Senator, just from England, was telling the news to Mr. Fox, to whom he was introduced, in the American Minister's apartments where they met, and stating various acts of the French which had given, he said, great offence in England, and must produce war. Fox listened, with his great jowl hanging, and his white hat squeezed up in his hand, without uttering a word, till the American was saying that the spirit of the people of England would not brook—the French misconduct, he was about to add, when Fox bluntly interrupted him by—"Don't talk to me of the spirit of the people of England; I'd as soon hear of the spirit of a dish-clout." I was all attention to hear something great from so great a statesman, whose person surprised me, but whose politics I much admired, and of whose talents I had formed the loftiest notions. Both the manner and the matter of his first speech, therefore, amazed me much more than even his unintellectual appearance. An extremely familiar and even coarse way of talking is, I believe, more common among eminent men in other countries than this. Conversational display and ambition are not common in Europe, and well bred nowhere. I heard him once, and only once, in the House of Commons, I can hardly say speak, but begin to speak—for the gallery was cleared, and we were all turned out just as he had passed the shoal places after the difficulties of his launch, and was beginning to float in his natural eloquence. The outset was curious to an American. Fluency is so

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common here, that hesitation is almost unknown among all those who speak in public, whereas in England it is a rare talent; and in France, while every one talks well, very few can speak at all. Fox had the same white hat, not in his hand, but in both, which he worked and twisted about every way, as hatters do when making hats, plunging along with difficulty from sentence to sentence, either wanting words or having more than he knew what to do with. Without knowing who he was, an audience would pity him, and think he had better sit down than try what he could not accomplish. This very awkwardness at the outset, however, became a merit as he warmed and went on, for its seeming diffidence or difficulty gave additional charm to what followed, when a rapid flood of strong thoughts poured forth in fervid language with intense earnestness, perhaps the first of all oratorical attributes, and in which Fox is said to have excelled; a deep and anxious feeling of right imparted to the sympathies of others. It must be this that Demosthenes means by *action*; for mere words or gestures, without intense feeling, however rhetorical, cannot move as oratory must. Good sense, understanding the subject, is the first thing required of an English public speaker,—ability to tell hearers something they do not know, without which they will not attend to the most agreeable declamation. If we could exchange with them a quantity of fluency for its equivalent in information, both parties would be gainers, for many of their best speakers are tiresome prosers of good sense, as not a few of ours are mere ranters of bad English.

In these very slight sketches, European government, legislation, jurisprudence, commerce, agriculture, manufactures, society, education, and religion—the statistics of the old world presented in the philosophy of the new—are not attempted. They offer great and delightful fields of instructive dissertation for some American Montesquieu or De Tocqueville to elaborate. Unequal to such harvest, I have confined myself to the humble gleanings of mostly material objects, which every transient visit to Europe brings to view. I am admonished, by my present limits, to omit remarkable Holland, classic Flanders, romantic Switzerland, and transcendental Germany, left to a long repose in my old portfolio, while I pass for a short conclusion to France, Paris and Bonaparte: that wonderful people, as Washington happily termed the French, in his fervid welcome of their first republican representative to this country, whose immense Dictator, as Lafayette with similar felicity entitled their incarnation in an Emperor, led them through an incredible Iliad of prodigious exploits; a people among whose inexplicable traits is that of inveterate stability of national, with extraordinary inconstancy of individual character, as signalized in every stage of their dramatic annals, from when Cæsar, in his Commentaries, characterized them, near two thousand years ago, as eager

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with unequalled alacrity fearlessly to rush into danger and defy death, but incapable of resisting reverses, throughout all their marvellous revolutions down to that astonishing discomfiture which sealed their Emperor's catastrophe and their overthrow; in prosperity more than men, in adversity less than women. Their own and only epic, which, collated with that of Greece, of Rome, of Italy, of England, we might perhaps add of America, seems to prove that epic is not their element, but epigrammatic; their apostle Voltaire, admirable like them, having truly said, "Le Français qu'on attaque est à demi vaincu"—the Frenchman attacked is half overcome. The self-destruction of Moscow and the capture of Paris are proofs wonderfully indicative of the characters of the least and the most refined people of Europe—proofs that patriotism, generosity and true courage are attributes of boors and serfs, not of courtiers and nobles, and that the most absolute sovereigns are unsophisticated people. To describe France is to represent Paris, and to do that in his time is to delineate Bonaparte. France, said Chateaubriand, is a soldier, not a Napoleon of peace, as the certainly very remarkable King of the French was called by Talleyrand; but the little corporal of the violet flower and three-colored cockade, at whose name every crowned head trembled for twenty years of royal panic, while every veteran's heart leaped for joy, and every conscript, even though lamenting home, felt that Bonaparte would lead him to perform the prodigies and share the glories of the great nation. To see him with his little cocked hat, gray surtout, and plain-hilted sword, on a beautiful Persian or Spanish horse, full of fire and movement, but perfectly broke and gentle, like his master collected and delighting in tumult and commotion, richly though heavily caparisoned, as striking as David's picture of him crossing the Alps; a small, pallid, almost beardless midshipman-looking young man, with a languid Italian countenance, light restless eyes, full shoulders, finely turned limbs, very small hands and feet, handsome but not commanding appearance, a bad though bold rider, (as if he had never been taught that gentlemanly accomplishment—the elegant Charles the Tenth was probably a much more graceful horseman, and rode a review better,) environed by cohorts of gorgeous officers as resplendent as he was plain, hardly one of them thirty years old, yet all veterans and many wounded; Beauharnois, a well-favored graceful youth, at the head of his huzzars, and Murat in the flower of fantastic manhood, king by right of dashing deeds and dress, before he was enthroned of modern chivalry, exquisite coxcomb in equipments, glittering with lace, feathers, gold, and military finery, profusely bearded before that mode became vulgar, perched on the most extraordinary charger that equestrian luxury could procure, his scarlet mane flowing in long glossy ringlets over broad parti-colored shoulders,

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his forelock parted in thick curls about odd eyes sparkling with fire, an animal altogether of most curious figure and action, as unlike the quiet simplicity of an English blood horse as Murat to an English plain-dressed English gentleman;—together with all the rest of the indescribable particulars of the grand monthly parade in front of the Tuileries and Louvre, palaces of the Bourbons, close by the ruins caused by the infernal machine;—was a memorable scene to fascinate young fancies with vivid and overwhelming recollections. There was an exultation about Bonaparte's military spectacles, at that day, when the campaigns of Italy, of Egypt and of Marengo were casting forward the shadows of the coming events of Austerlitz, Moscow, and Waterloo—a revolutionary rush of thought which flashed over the senses beyond the power of adequate description. When he reined up his horse to call a private from the ranks of a distinguished regiment, and chat with him before the army, the metropolis of Europe and of the world, the public communion of such comrades was an ecstacy that thrilled through France. Then seated with the reins loose on the horse's neck in front of the palace, in the utmost *abandon* of position, while the troops, with their exciting music, and the still greater stimulation of their tattered colors, filed before him, his amiable face beaming with a popular smile which seemed to grant every petition, as, holding by his stirrup, women, children and old men handed their memorials, which he passed to aids-de-camp,—it was the culmination of the sun of martial glory. After the review he dismounted and entered the palace. I stood close by when, as he mounted the marble steps with a bound, he adjusted his dark-brown crop with his hand, as if, notwithstanding his plain and almost negligent dress, he wished to look well in the drawing-room that was to follow. There was even then, and it is said to have increased much afterwards, an awe of his presence which no bystander could resist, and which withered rank. Without size or commanding appearance, but graceful and gracious, though sudden and interrogative, he never failed, long before he was Emperor, to stand alone, while those with whom he deigned to converse stood aloof and around him, his presence making a circle without master of ceremonies. With his coronation, the Emperor waxed fat in every sense. Bonaparte became Napoleon. It may be that Americans, in the republican simplicity of transatlantic seclusion, are not competent judges of what was wise for the Dictator of the French, conqueror in so many battles, author of so many codes, and on all occasions so deeply read in knowledge of mankind. Otherwise we might say that Napoleon mistook the age, when he divorced his wife to beget an imperial dynasty, and fell short of his destiny in suffering emperors, kings, princes, and nobles to flatter him to his downfall. In common with other visiters of the palace

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of St. Cloud, I was shown the narrow bed in which we were told the First Consul always slept with Josephine, contrary to the general custom of Parisian married life; and we have all seen that his decline began from noble and imperial connexions, to seduce him into whose embraces no one contributed more than his first wife. Insatiate of family as well as personal renown, he fell, not conquered by others but by himself. The masses unchained, with freedom for their reward, all the princes and captains of Europe in crusade against one man, could not overcome him by military combination, superior bravery, greater numbers, or even by popular enthusiasm. Never was his vast genius more signalized than in the last struggle, when with a divided and discouraged nation, disaffected officers, undisciplined troops and inferior numbers, limited materials, and treachery in the government and the army, by consummate skill and unabated courage, he drew his forces together, surprised more numerous, better disciplined, completely prepared and veteran armies; and, day after day, army after army, attacked and defeated them all, till in the very moment of victory, when two hours more of success must have been the utter discomfiture of his enemies, for they were reduced and distressed without retreat, his star all at once fell from its sphere—his hour came—and, as if by destiny, he was defeated, routed, demolished, dethroned, imprisoned, and tortured to death. I have heard General Bernard describe his conduct at the battle of Waterloo, when he announced to the Emperor the arrival of the Prussians in the field—his unmoved self-possession and cheerful intrepidity in the midst of the shock that ensued. the French soldiers about the Emperor falling faster than it was possible to fill their ranks, and many of the bravest officers near his person in tears, not from any personal uneasiness, but the imminent perils of the chief they had been accustomed to idolize as a tutelar genius, invulnerable and invincible, of their unquestionable security and constant success. "He was like a god in battle!" said General Bernard with French vivacity. As the last of the Cæsars of whom old Galba, when he triumphed over him, said, not by our means, but his own over-action, "longa Cæsarum serie tumentem,"—swelling, bursting with the long pedigree of the Cæsars, —was over thrown; so this new aspirant for their imperial alliance, for which by disastrous infatuation he sacrificed every thing, fell not by the blows of monarchs or people, but his own. Bonaparte was his own executioner. None other was equal to the achievement, nor all others. Never were Te Deums in churches for victory more appropriate than for that of Waterloo over Napoleon: for it was the work of God, of over-ruling Providence, working by man's infatuation, and by apparently the smallest causes producing the greatest results. His dictatorship, as he called it, rather than reign, ended as it began, by his own act; and forty millions of de-

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voted subjects were let loose from an allegiance which perhaps might have been perpetuated. If liberty was odious to him, Europe owes him the complete establishment of that inappreciable equality which the revolution began, whose inexorable level he passed over all ranks, even while reconstructing titles, dominions, and principalities, which Moreau used to say, he spit upon his followers. It is yet too soon for history to draw his true character as a warrior, a legislator, and a man. Posterity will do his memory that justice contemporaries cannot. His denigration has been said and sung, which written, painted, sculptured, and engraved, in all the dialects of Germany, of Prussia, of Spain, of Great Britain, and of royal France, yet it is certain his character has improved since his power ceased. One of the most curious acts of homage to his memory is M. de Montbel's biography of his son. A minister of Charles the Tenth solacing his exile at Vienna by portraying with melancholy eloquence the marvellous intelligence, integrity, and promise of that unfortunate youth, is one of the most striking and affecting romances of the age—whose birth, titles, life and death are a sequel to his father's; abundant of interest and moral.

Returning from France to England, I felt that blessed assurance of personal safety which no American can appreciate till he puts himself into countries of police. One day in Paris, at the restaurateurs where I usually dined, I saw an arrest, whether for crime or debt I never learned. Several of us Americans were together. A party of French gentlemen were playing billiards in the same room. It was evening. Sixteen gens d'armes suddenly and silently filed in, and arrested one of the Frenchmen. Not a word was uttered; no authority was shown but the uniform of the soldiers. No warrant, no cause assigned, no question asked, but the man in dread silence was marched away, under custody of his guards. I felt with a shudder that no Habeas Corpus act, no public sympathy, not even a police report, could come to his relief, and I fancied his fate mine. The necessity of always carrying and frequently renewing a passport, the alleged danger of any political conversation, the liability of even letters to betrayal, the probably exaggerated terrors of strict surveillance, tainted the enjoyments of Paris; and I breathed in England that air of freedom which to American respiration is inconceivably refreshing, without which Europe with all its magnificence is splendid misery. Notwithstanding, too, the decided preference contracted for the French kitchen, I enjoyed the first slice of the cold roast beef of old England, on which I lunched at Canterbury, on the way from Dover to London, with the aboriginal relish of first love.

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WOMAN.

"What can a woman be or do without bravery? Has she not to struggle with the toils and difficulties that must follow upon the mere possession of a mind? Must she not face physical and moral pain? Physical and moral danger? Is there a day of her life in which there are not conflicts where no one can help her—perilous work to be done in which she can have neither sympathy nor aid? Let her lean upon man as much as she will, how much is it that he can do for her?—from how much can he protect her?"—HARRIET MARTINEAU.

"Come unto *me* all ye that labor and are heavy laden, and I will give you rest."
ST. MATTHEW'S GOSPEL.

Woman! a weary lot is thine,
And dark the clouds that round thee rise;
Well should'st thou list the voice divine,
That tells thee *where* thy refuge lies.

Is it with thee a joyous hour,
Fraught with sweet glance and sunny smile,
Do words of love with witching power,
Alike thy heart and mind beguile?

Do friends crowd round thy onward path
Eager with flowers to strew the way?
Do all the hopes this cold world hath
Before thy youthful fancy play?

Remember that the days draw nigh
When, one by one, thy hopes shall fade;
When thou shalt turn with many a sigh
From idols thine own hands have made.

The gorgeous vanities of life,
Like childhood's mimic sports shall seem,
And fashion's cares and pleasure's strife
Look like some dim fantastic dream.

And more, yet more, the hour *may* come,
When thou shalt stand on earth alone,
"The voices of thy home" all dumb,
Lover and friend forever flown.

And more, far more, the dearly loved
May cast thy choicest gifts away,
And those who best thy faith have proved,
Thy trusting confidence betray.

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O Woman! with these ills in view,
  To human aid why fondly cling?
What help may mortal courage shew—
  What succour to thy spirit bring?

Upon thy heart's own courage call,
  On thy immortal hopes rely,
And turn to Him, whose love to all
  In sorrow's hour is ever nigh.

THE APPROACHING CENSUS.

Not the least important and interesting of the subjects brought before the attention of Congress, in the Annual Message of the President, is unquestionably that of the Census for 1840, for which the proper provision and arrangements must be made at the present session. It is well, too, that it is one of those subjects that afford a neutral ground on which all parties may cordially meet, without the intrusion of any of those disturbing influences of interest or feeling which must bias the judgment, on the one side or the other, on almost every other conceivable subject of a public nature. For the sake of variety, it will be quite refreshing to meet in truce on such a common ground, undistracted by a jealousy, an alarm, or an interest, of a partisan character, to unite in carrying out this important measure on the most liberal and enlarged principles, and in the most efficient manner, with a single eye to the interesting national objects involved in it.

The idea appears to be pretty generally entertained, that advantage will be taken of the opportunity afforded by the Census, on the present occasion, to perform the duty properly incumbent on our Federal Government, which it is a subject of just reproach and regret has heretofore been unaccountably neglected; namely, that of making some portion at least of those general statistical observations, over the whole surface of the Union, of the principal subjects of national interest, to the proper collection of which it alone is competent. The American Almanac for last year held the following language in relation to it:

"All intelligent and judicious legislation must be founded, in a great measure, on statistical knowledge. If the statistics of all the United States, collected and digested on a judicious and uniform plan,—embracing, among other matters, a view of the Population, with the different classes and divisions—Commerce, Manufactures, and

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Agriculture, with their various branches—works of Internal Improvement, as Canals, Railroads, &c.—Crime and Pauperism—Education and Religion, with their condition, means of support, and the institutions connected with them,—were, at regular periods, laid before the public, a mass of information would be presented, which would be of immense advantage to the national government and to the governments of the several States; and the wide diffusion of such information among the citizens at large would be attended with the most salutary consequences. 'Knowledge is power;' and such knowledge as this would greatly increase the ability of the national and State governments, as well as of societies and individuals, to promote the interest, and advance the moral civilization and improvement, of the people.

"The volumes of the American Almanac contain a good deal of statistical information, which has been collected with much labor and expense. In conducting the work, we have frequently found it impossible to procure the information wanted. The statistics of the whole country can never be collected by one individual, nor by a society formed for the purpose. If the work is ever accomplished in a suitable manner, it must be done under the direction of the government of the United States. And, if the national government should connect this object with the taking of the next Census, the design would certainly commend itself to every man of enlightened views; and it would redound to the lasting honor of the administration that should first introduce the system."

It is greatly to be regretted, that at the last session of Congress a joint resolution, introduced by Mr. Legare, of South Carolina—to refer the subject to a select committee, to collect information and to submit a plan to carry these views into effect, at the next (the present) session—shared the fate of the hundreds of bills which were lost for want of time to act upon them. The necessity of prompt action is now imperative, and does not admit of a similar postponement for another year; and compensation for the advantages which might have resulted from the labors of such a committee, must be sought in the diligent and liberal attention which it behoves Congress to bestow upon the measure without delay. We are surprised that, in the excitements which have thus far engaged the time and attention of that body, it seems to have been overlooked, no committee having yet (at the date of the present Article) been appointed in either branch to consider it—notwithstanding its introduction to their notice by the following passage from the President's Message:

"In recommending to Congress the adoption of the necessary provisions at this session for taking the next census, or enumeration of the inhabitants of the United States, the suggestion presents itself whether the scope of the measure might not be usefully extended, by causing it to embrace authentic statistical returns of the great interests specially intrusted to, or necessarily affected by, the legislation of Congress."

At the session of 1835–6, it may be remembered, a memorial was addressed to Congress by a distinguished literary and scientific gentleman, Professor Lieber, of South Carolina College, invoking the patronage and aid of the Government, for the preparation and publication of a general work on the Statistics of the United States; which, it was correctly urged, was entirely beyond the ability of

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any private individual, whether in reference to its necessary expense, or to the requisite facilities and means of observation. The application proved unsuccessful—from what causes we are not exactly informed. Probably the consideration was influential in the minds of many, that the approaching Census would furnish a convenient opportunity—in a mode not liable to the same exception as might perhaps apply to that thus proposed—for attaining much of the benefit, of an unquestionably important and national character, contemplated in such a work. At any rate, the considerations suggested in the following extract from the memorial referred to, are fully applicable, at the present period, to recommend the course pointed out to us, equally by the liberal example of all other civilized countries, and by an enlightened regard to the true principles of political science:

"It may be considered as one of the characteristic traits of our times, that, with regard to many branches of importance to the well-being of society, a careful collection of detailed facts, and the endeavour to arrive at general results by a comprehensive view and judicious combination of them, have been substituted for mere theorizing. Not only the strictly scientific portion of that great family of civilized nations, which part of Europe and America now constitute, has acknowledged the great importance to the legislator, and every one else who occupies himself with the welfare of his species, of statistical inquiries, when made on a large scale and used with proper caution, but several governments have shown how much they value accurate statistics, by ordering them to be collected and properly digested. The Prussian Government, which offers the peculiar and novel phenomenon of a polity, though absolute in its frame, yet, in various respects, administered upon highly liberal principles, established, several years ago, a 'Board of Statistics,' whose business it is to collect statistical facts with regard to agriculture, commerce, and industry, as well as to the manifold social and political relations of its subjects, and to lay the abstracts made of them before the respective authorities. Several publications of the greatest value have already been issued by this board. The French have likewise, paid much attention to the collection of statistical facts, and the results derived from them have, from time to time, been made public by authority. Some of them have shed an entirely new light upon subjects of the utmost importance to human society, such as the annual report of the keeper of the seals to the king, on every thing connected with the statistics of crime and police offences in France. The governments of Austria, Bavaria, Wurtemberg, Baden, and other countries, have caused accounts of a similar nature, and of more or less merit, to be given to the public, among which those of the Grand Duchy of Baden are particularly worthy of notice. Even some of the Italian governments have yielded so far to the spirit of our times, which prompts those who wield the helm of the state to make public what was once carefully hid from the eye of the people, as to publish, on several occasions, statistical accounts of some branches of government. The British parliament have instituted, on frequent occasions, statistical inquiries into various subjects of public interest, and, conformably to the spirit of the English government, have rendered them, by the press, accessible to the people at large. So likewise has the Congress of the United States diffused knowledge on some subjects of statistical interest among our people, by the ordering of large editions of certain reports and abstracts. They have, indeed, never been of a comprehensive nature, but they show sufficiently how great a value Congress have set upon some of them, and how important your body considers the collection of minute and faithful statistics.

"Statistics consist, in a great degree, in the collection and classification of a num-

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ber of isolated facts, which, thus isolated, have little value for human experience, or lead not unfrequently to views entirely erroneous. If they are patiently and faithfully collected, judiciously arranged and applied, and wisely digested, they lead to a more positive knowledge of the real state of things, with regard to all subjects of which we are able to collect statistics, than any other mode of inquiry. They often exhibit errors, though cherished for centuries, in their real light; unveil evils never suspected before, or show their roots where they were never expected to be found, thus enabling us to choose the most or the only efficient means of counteracting them. They are, therefore, of the greatest use to the legislator, and to every one whose duty it is to frame general measures for his community, in whatever branch."

The terms of the President's recommendation would seem to restrict within rather too narrow limits the proper scope of the proposed measure; for certainly many of the most valuable fields of observation would be excluded by confining it to "the great interests specially entrusted to, or necessarily affected by, the legislation of Congress." And the very definition of those terms would involve the whole question of that which is, and always has been, the great issue in controversy between the two parties of the country, namely, the extent of the proper action of the Federal Government upon the "great interests" of the country. It would be very difficult to trace a satisfactory dividing line, where the two opinions differ so widely as to the direction and the principle on which it should be drawn. But we see no necessity for any such rigid limitation. Though belonging perhaps to the strictest class of the strictest school of the State-Rights doctrine, and jealous of every attempt at extension of the federal action beyond the narrowest orbit within which its plainly prescribed functions can be performed, yet to the mere collection of general information, from the elevated central point of observation afforded by the relation of the federal government to the States—information designed, not as any basis for federal legislation, but for the benefit of the States themselves, and of the country and mankind at large—we cannot perceive that exception could be taken by any. In fact it is plain that there are a great many subjects on which it would be in a very high degree interesting and valuable to make a general statistical observation of the kind in question, which are not proper subjects of legislation at all, whether by the States or by the Federal Government—such as the Press, Religion, Benevolent Associations, Fine Arts, Health, &c. And when to these we add the subjects of Agriculture, Manufactures, Mechanic Arts, Commerce, in their various branches, Stocks and Banking, Internal Communication, Education, Crime, Social Life, the Political organization of the different States carried out through all its details, Elections, &c., an idea may be formed of the wide scope which it might be highly useful and important to give to the proposed inquiry, while a very small portion of the whole might be comprised within the proper sphere of federal legislation or influence.

These are all great national interests, though most wisely left by

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us, either to manage and adjust themselves without governmental interference of any sort, or subject alone to the influence of State legislation, without the overshadowing control of any common, consolidated power of government, radiated in all directions from one common central point of absolute authority, as is the case with all the other great nations of the civilized world; while yet at the same time the value of the observations to be made of them must depend mainly on their universality. It is only out of the combination of the whole that the national value of the detailed observations that could be made by each State within its own borders, can proceed. For such a purpose as this, we conceive, we are a Nation, and something more than a mere league of separate and independent sovereignties. It is only by the statistics of these great physical and moral interests, that the practical working of our complex system of institutions can be fairly tested, or the whole, as a grand harmonious *e pluribus unum*, be fully understood, and its benefits made sensible to ourselves and demonstrated to other nations. It is only by an enlightened and comprehensive view of them, on a broader scale than within its own narrow limits,—in their mutual and comparative relations with each other and with other countries—that each State can intelligently legislate for itself in reference to them. And we feel well assured, that no application could be made of the central facilities within the competence of the Federal Government alone, more useful to the States individually, as well as to itself—more valuable, interesting, and satisfactory to the country at large, as one combined community of communities—or more fully in accordance with the general spirit of our institutions and the leading purposes of our union, according even to the views of the most severe anti-consolidationist—than to take the advantage afforded by this opportunity to make the most extensive statistical survey that may be found practicable, of the general character above indicated, over the whole surface of the Union.

The extent to which it may be thought proper by Congress to carry out this measure on the present occasion, we cannot anticipate. We hope it will be on a liberal and enlarged scale, this being a subject on which all parties and all opinions should unite. Mr. Adams' last General Message, at the session of 1828–'9, expressed regret at the inadequacy of the former provisions of law for the important objects which the Census might and should subserve, though directing his attention then only to the subject of Manufactures. At the third and fourth Censuses, some very imperfect, but still valuable, statistics of Manufactures were collected, but the fifth was again, we regret, confined to the mere enumeration of population, though considerably extended beyond that of former periods, by the more minute subdivisions of age, and by including returns of the blind and the deaf and dumb. But the mere collection of

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such returns is but half of the duty properly incident to the execution of such a measure. They should be accompanied by such a digest and analysis of the information collected, comparatively with former periods, with foreign countries and the different sections of our own country, as would extract from the dry and barren mass of figures and special facts, that essence of political and economical philosophy in which their value consists. The labor of conducting the Census on these improved principles, and of preparing the Reports on the different branches into which the information accumulated would divide itself, would of course be very great, as the duty would be a very responsible one, requiring a great deal more than the mere clerical qualifications which seem on former occasions to have been brought to the task, under the general official supervision of the Secretary of State. We cannot know what plan will be adopted by Congress, but trust that it will be one that will not disappoint the country, in the hopes and expectations entertained by all men of intelligence whose attention has directed itself to this interesting subject.

With respect to the probable result of the approaching Census, so far as regards the mere enumeration of the population, it will probably not fall short of seventeen millions and a half. The results of the five former enumerations that have been made at the successive periods of ten years, have been as follows:

1790, - - - -	3,929,627		
1800, - - - -	5,305,925	Ratio of increase, - - -	.35
1810, - - - -	7,239,814	" " " - - -	.36
1820, - - - -	9,638.131	" " " - - -	.33
1830, - - - -	12,866,920	" " " - - -	.33

The average ratio of increase has therefore been about 34 per cent. for every period of ten years, or 3.4 per annum; which would yield in 1840 about seventeen millions and a quarter, to which the great excess of immigration above all former precedent, known to have taken place, will probably be found to add another quarter of a million.

It will not be uninteresting to our readers if we extend the above table for the last fifty years, forward through the coming *century*. Those whose attention has never chanced to approach the subject will indeed be astounded at the stupendous result to which it will conduct them. The average ratio of increase may with entire safety be taken at .30 for ten years. That of the *free* population has heretofore averaged about 36 per cent., which that of the *slaves*, 30 per cent., has reduced, as above seen, to 34 per cent. We assume .30, for the sake of moderation, of which the result must at any rate be startling, and to exclude the accidental influence of immigration:

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1850,	-	-		about	22,000,000
1860,	-	-	-	- "	28,000,000
1870,	-	-	-	- "	37,000,000
1880,	-	-	-	- "	48,000,000
1890,	-	-	-	- "	62,000,000
1900,	-	-	-	- "	81,000,000
1910,	-	-	-	- "	105,000,000
1920,	-	-	-	- "	137,000,000
1930,	-	-	-	- "	178,000,000
1940,	-	-	-	- "	231,000,000!

The imagination is overwhelmed that would attempt to realize an idea of this glorious anticipation. And yet the child has already opened its eyes to the light, that is in all probability destined to close them upon the magnificent spectacle of upwards of *two hundred and fifty millions* of inhabitants, from ocean to ocean, overshadowed by the waving of the Stripes and Stars! Nor one alone, but hundreds—thousands—for if the last census exhibited more than a thousand* persons of the age of a hundred and upwards, many thousands of infants born about the present period must doubtless live to the year 1940. And the proportion will certainly be not inconsiderable, of the actual readers of this page, who will live to feel themselves, in little more than half a century hence, bound by the ties of citizenship and brotherhood to nearly seventy-five millions of fellow human beings!

And who will question the probability that the ratio of increase of our population will be, and must be, through an indefinite series of years in the awful depths of which all imagination is bewildered and lost, that which we have assumed—a ratio less than has heretofore marked our progress? What assignable cause is there that can arrest it? With a boundless expanse of fertile territory, within that region of the earth's surface most favorable to human life and the healthful developement of all its faculties—a climate which must ever increase in salubrity from time to time with the extension of cultivation—an intelligence and enterprise of national character which will not fail to improve to the utmost every natural resource and advantage—the gigantic steps which the science of the present age is daily taking in the developement of all the arts of utility, by which the physical sustenance and enjoyment of life can be facilitated and enhanced—the exemption from all possible danger of war, and from the heavy superincumbent pressure of accumulated misgovernment by which the nations of Europe have

* Note. The actual numbers were: of *Whites*, Males 301, Females 238; total 539—of *Negroes*, Males 1017, Females 1062; total 2,079. Three-fourths, at least, of the latter ought certainly to be rejected, from the well known practice of aged negroes of claiming the round century of years as soon as they have outlived their own memory and other evidence of their actual age. This would reduce the whole number to about the statement above assumed.

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heretofore been depressed, and stunted even in the natural growth which their physical circumstances and national characters might otherwise have permitted—the perfect freedom, alike of the moral and the animal man, to grow to the full stature and capacity of his nature, with "ample room and verge enough" to spread freely in every direction—in such a state of things, what assignable cause is there, we repeat, that can arrest the progressive increase of our population at a similar rate to that which the past half century has witnessed?

It is in this anticipation that we find the chief reason for the deep, the intense solicitude, which every friend of American liberty and union ought to feel for the broad and strong establishment of sound principles, as the basis of that grand structure of political and civil society which we thus see rising upward towards the heavens before our eyes—such principles as will be adequate to sustain so colossal a fabric. It is for this that the patriot would struggle to reform every vicious institution, the operation of which is found, or is calculated, to exert a demoralizing influence on national character. For this, that he would lament to see the baleful poison of that universal passion for wealth so often ascribed to us, sapping and corrupting the roots of all that is truly good and great, accompanied with that spirit of dishonest gambling at the grand national gambling table of "the credit system," which we call by the more specious name of "speculation." For this, that he would frown sternly upon every attempt to sow discord and jealousy between different sections of the country; and would anxiously cultivate those feelings of harmony and brotherhood, which can only be maintained between great confederated communities by the peaceful pursuit by each of its own industry and its own interests, without encroachment on those of another by the advantages of partial federal legislation, and without an offensive interference with each other's domestic concerns and institutions. And for this that, in the working of our complex political machine, he would be anxious to restrain as much as possible the central action of the Federal Government, and carry out to the fullest extent that diffusion of power, at the greatest distance possible from the centre, on which the preservation of the Union wholly depends.

If we should be asked if we believe it possible that this Union can hold together a hundred years hence with a population of two hundred and fifty millions, spreading from Atlantic to Pacific, and northward and southward as their free natural growth should extend—we answer, *yes*, provided the theory of the State-Rights doctrine be but fully and fairly carried out into practice. Administered as the Federal Government has been for the last half century, we must unhesitatingly answer, *no*. Too strong an action has been

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propelled outward from the centre to afford a possibility of its successfully working on a scale so vastly enlarged as this supposition assumes. Thus continued, it must infallibly dislocate and dissever the system, so soon as the distances and the masses increase to proportions considerably beyond their present dimensions. Such collisions of interest between great sections of country, as we have seen to grow out of the vicious federal legislation of former times on Tariffs, National Banks, &c., must never be suffered again to grow out of similar causes. The danger is now happily past, and North and South are coming cordially together again on common ground; but its repetition might be fatal even at our present rate of population,—with such an increase as will ere long have taken place, it must certainly be so.

CHANNING ON "SELF-CULTURE."*

When we behold a man gifted by his Creator with high and rare endowments for his mission in society—with intellect unsubdued, spirit unbowed, hope undimmed, and heart unsaddened, by the perpetual pressure of the infirm health which wastes and weakens his physical powers—like the lamp whose steady, clear, and heaven-directed flame shines with a mild brightness through the attenuated transparency of the alabaster vase within which it is enclosed—combining in an admirably tempered character the piety of the Christian minister, the cultivated wisdom of the sage, the cheerful confidence in human nature, and in the future, of the philanthropic enthusiast—with a fervor, elevation, simplicity and purity, which seem to convey to those approaching him a better idea of the term *apostolic* than they before entertained—when we look upon such a man from a distance, in the quiet seclusion of his modest course of life, though haply known to us only by the writings that well attest the preëminent reputation of an eloquence, which is as of lips that have been touched by a coal of the sacred fire from the altar of all truth and holiness—it is with an affectionate reverence which is a thousand-fold nobler tribute of the human heart, than the homage which millions may pay to the vulgar glory or greatness of emperor or conqueror. And such are the feelings perhaps more extensively and earnestly entertained towards Dr. Channing than towards any other individual of our country and time. Of the justice of the

* Self-Culture. An Address introductory to the Franklin Lectures, delivered at Boston, September, 1838, by Wm. E. Channing. Boston: Dutton & Wentworth. Printers. 1838.

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sentiment, we do not care to speak. It is one of those sentiments which prove their own justice—like that with which the hearts of yearly multiplying millions turn to the high national Ideal which Washington has bequeathed as a perpetual patrimony to his country—a better and richer possession than all the prosperity that may grow out of the independence which he was one of the chief instruments to achieve for it. We only state the fact, as it unquestionably exists, and as an introduction to the brief notice which our limits permit, of the recently published pamphlet by Dr. Channing, of the above title.

It was delivered as an Introductory Address to a course of annual lectures in Boston, instituted in 1831, designed for and chiefly attended by the mechanical and laboring classes of men of that city. It is so thoroughly imbued with that spirit of elevated democracy and expansive philanthropy that have long characterized its author, that democracy which is the natural fruit of a lofty and pure Christian philosophy, that without wasting our allotted space with remarks of our own, we will extract from its pages as copious quotations as possible, to direct the attention of our readers to it; and in the hope that the interest which may be thus excited may cause its republication and wider diffusion in the sections of the country than those to which its circulation might otherwise probably be confined. Short and simple as it is, it is a book that we should like to see cross every threshold, and become an inmate under every roof in our broad and beautiful land.

After a few opening remarks, Dr. Channing proceeds to his subject, the duty of Self-Culture by all classes of society, in the following fine introduction, which will find a deep response in the bosom of every right-minded reader:

"I have expressed my strong interest in the mass of the people; and this is founded not on their usefulness to the community so much as on what they are in themselves. Their condition is indeed obscure, but their importance is not on this account a whit the less. The multitude of men cannot, from the nature of the case, be distinguished; for the very idea of distinction is, that a man stands out from the multitude. They make little noise and draw little notice in their narrow spheres of action; but still they have their full proportion of personal worth, and even of greatness. Indeed every man, in every condition, is great; it is only our own diseased sight which makes him little. A man is great as a man, be he where or what he may. The grandeur of his nature turns to insignificance all outward distinctions. His powers of intellect, of conscience, of love, of knowing God, of perceiving the beautiful, of acting on his own mind, on outward nature, and on his fellow creatures—these are glorious prerogatives. Through the vulgar error of undervaluing what is common, we are apt indeed to pass these by as of little worth. But as in the outward creation, so in the soul, the common is the most precious. Science and art may invent splendid modes of illuminating the apartments of the opulent, but these are all poor and worthless, compared with the common light which the sun sends into all our windows, which he pours freely, impartially, over hill and valley, which kindles daily the eastern and western sky; and so the common lights of reason, and conscience, and love, are of more worth and dignity than the rare endowments which give celebrity to a few. Let us not disparage that nature which is common to all men; for no thought can measure its grandeur. It is the image of God, the image even of his infinity, for no limits can be set to its unfolding. He who possesses the divine powers of the soul is a great being, be his place

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what it may. You may clothe him with rags, may immure him in a dungeon, may chain him to slavish tasks; but he is still great. You may shut him out of your houses, but God opens to him heavenly mansions. He makes no show, indeed, in the streets of a splendid city; but a clear thought, a pure affection, a resolute act of a virtuous will have a dignity of quite another kind, and far higher than accumulations of brick and granite, and plaster and stucco, however cunningly put together, or though stretching far beyond our sight. Nor is this all. If we pass over this grandeur of our common nature, and turn our thoughts to that comparative greatness, which draws chief attention, and which consists in the decided superiority of the individual to the general standard of power and character, we shall find this as free and frequent a growth among the obscure and unnoticed, as in more conspicuous walks of life. The truly great are to be found every where, nor is it easy to say in what condition they spring up most plentifully. Real greatness has nothing to do with a man's sphere; it does not lie in the magnitude of his outward agency, in the extent of the effects which he produces. The greatest men may do comparatively little abroad. Perhaps the greatest in our city at this moment are buried in obscurity. Grandeur of character lies wholly in force of soul—that is, in the force of thought, moral principle, and love; and this may be found in the humblest condition of life. A man brought up to an obscure trade, and hemmed in by the wants of a growing family, may, in his narrow sphere, perceive more clearly, discriminate more keenly, weigh evidence more wisely, seize on the right means more decisively, and have more presence of mind in difficulty, than another who has accumulated vast stores of knowledge by laborious study. And he has more of intellectual greatness. Many a man, who has gone but a few miles from home, understands human nature better, detects motives and weighs character more sagaciously, than another who has travelled over the known world, and made a name by his reports of different countries. It is force of thought which measures intellectual, and so it is force of principle which measures moral greatness, that highest of human endowments, that brightest manifestation of the Divinity. The greatest man is he who chooses the Right with invincible resolution, who resists the sorest temptations from within and without, who bears the heaviest burdens cheerfully, who is calmest in storms and most fearless under menace and frowns, whose reliance on truth, on virtue, on God, is most unfaltering; and is this a greatness which is apt to make a show, or which is most likely to abound in conspicuous station? The solemn conflicts of reason with passion; the victories of moral and religious principle over urgent and almost irresistible solicitations to self-indulgence; the hardest sacrifices of duty, those of deep-seated affection and of the heart's fondest hopes; the consolations, hopes, joys, and peace of disappointed, persecuted, scorned, deserted virtue: these are of course unseen, so that the true greatness of human life is almost wholly out of sight. Perhaps in our presence, the most heroic deed on earth is done in some silent spirit, the loftiest purpose cherished, the most generous sacrifice made, and we do not suspect it. I believe this greatness to be most common among the multitude, whose names are never heard. Among common people will be found more of hardship borne manfully, more of unvarnished truth, more of religious trust, more of that generosity which gives what the giver needs himself, and more of a wise estimate of life and death, than among the more prosperous. And even in regard to influence over other beings, which is thought the peculiar prerogative of distinguished station, I believe, that the difference between the conspicuous and the obscure does not amount to much. Influence is to be measured, not by the extent of surface it covers, but by its *kind*. A man may spread his mind, his feelings and opinions, through a great extent; but if his mind be a low one, he manifests no greatness. A wretched artist may fill a city with daubs, and by a false showy style achieve a reputation; but the man of genius, who leaves behind him one grand picture, in which immortal beauty is embodied, and which is silently to spread a true taste in his art, exerts an incomparably higher influence. Now, the noblest influence on earth is that exerted on character; and he who puts forth this does a great work, no matter how narrow or obscure his sphere. The father and mother of an unnoticed family, who, in their seclusion, awaken the mind of one child to the idea and love of perfect goodness, who awaken in him a strength of will to repel all temptation, and who send him out prepared to profit by the conflicts of life, surpass in influence a Napoleon breaking the world to his sway. And not only is their work higher in kind; who knows but that they are doing a greater work, even as to extent of surface, than the conqueror? Who knows but that the being, whom they inspire with holy and disinterested principles, may communicate himself to others; and that, by a spreading agency, of which they were the silent origin, improvements may spread through a nation, through the world?

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In these remarks you will see why I feel and express a deep interest in the obscure, in the mass of men. The distinctions of society vanish before the light of these truths. I attach myself to the multitude, not because they are voters and have political power, but because they are men, and have within their reach the most glorious prizes of humanity."

After then explaining the term, and exhibiting the practicability of Self-Culture, in its several branches of Moral, Religious, Intellectual, Social, Practical—all in the finest spirit—we come to the following passage, which touches upon a subject which we regard as of the highest interest to American Democracy, though heretofore lamentably neglected:

"In looking at our nature, we discover, among its admirable endowments, the sense or perception of Beauty. We see the germ of this in every human being, and there is no power which admits greater cultivation; and why should it not be cherished in all? It deserves remark, that the provision for this principle is infinite in the universe. There is but a very minute portion of the creation which we can turn into food and clothes, or gratification for the body; but the whole creation may be used to minister to the sense of beauty. Beauty is an all-pervading presence. It unfolds in the numberless flowers of the spring. It waves in the branches of the trees and the green blades of grass. It haunts the depths of the earth and sea, and gleams out in the hues of the shell and the precious stone. And not only these minute objects, but the ocean, the mountains, the clouds, the heavens, the stars, the rising and setting sun, all overflow with beauty. The universe is its temple; and those men who are alive to it cannot lift their eyes without feeling themselves encompassed with it on every side. Now, this beauty is so precious, the enjoyments it gives are so refined and pure, so congenial with our tenderest and noblest feelings, and so akin to worship, that it is painful to think of the multitude of men as living in the midst of it, and living almost as blind to it, as if, instead of this fair earth and glorious sky, they were tenants of a dungeon. An infinite joy is lost to the world by the want of culture of this spiritual endowment. Suppose that I were to visit a cottage, and to see its walls lined with the choicest pictures of Raphael, and every spare nook filled with statues of the most exquisite workmanship, and that I were to learn that neither man, woman, nor child ever cast an eye at these miracles of art, how should I feel their privation; how should I want to open their eyes, and to help them to comprehend and feel the loveliness and grandeur which in vain courted their notice. But every husbandman is living in sight of the works of a diviner artist; and how much would his existence be elevated, could he see the glory which shines forth in their forms, hues, proportions, and moral expression! I have spoken only of the beauty of nature; but how much of this mysterious charm is found in the elegant arts, and especially in literature? The best books have most beauty. The greatest truths are wronged if not linked with beauty, and they win their way most surely and deeply into the soul when arrayed in this their natural and fit attire. Now, no man receives the true culture of a man, in whom the sensibility to the beautiful is not cherished; and I know of no condition in life from which it should be excluded. Of all luxuries, this is the cheapest and most at hand; and it seems to me to be most important to those conditions, where coarse labor tends to give a grossness to the mind. From the diffusion of the sense of beauty in ancient Greece, and of the taste for music in modern Germany, we learn that the people at large may partake of refined gratifications, which have hitherto been thought to be necessarily restricted to a few.

"What beauty is, is a question which the most penetrating minds have not satisfactorily answered; nor, were I able, is this the place for discussing it. But one thing I would say: the beauty of the outward creation is intimately related to the lovely, grand, interesting attributes of the soul. It is the emblem or expression of these. Matter becomes beautiful to us when it seems to lose its material aspect, its inertness, finiteness, and grossness, and by the ethereal lightness of its forms and motions seems to approach spirit; when it images to us pure and gentle affections; when it spreads out into a vastness which is a shadow of the Infinite; or when, in more awful shapes and movements, it speaks of the Omnipotent. Thus outward beauty is akin to something deeper and unseen, is the reflection of spiritual attributes; and of consequence the way to see and feel it more and more keenly is to cultivate those moral, religious, intellectual, and social principles of which I have already spo-

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ken, and which are the glory of the spiritual nature; and I name this, that you may see, what I am anxious to show, the harmony which subsists among all branches of human culture, or how each forwards and is aided by all."

This branch of the Discourse closes with the following passage, replete with lofty and noble truth:

"I have now given a few views of the culture, the improvement, which every man should propose to himself. I have all along gone on the principle, that a man has within him capacities of growth, which deserve and will reward intense, unrelaxing toil. I do not look on a human being as a machine, made to be kept in action by a foreign force, to accomplish an unvarying succession of motions, to do a fixed amount of work, and then to fall to pieces at death, but as a being of free spiritual powers; and I place little value on any culture but that which aims to bring out these, and to give them perpetual impulse and expansion. I am aware that this view is far from being universal. The common notion has been, that the mass of the people need no other culture than is necessary to fit them for their various trades; and though this error is passing away, it is far from being exploded. But the ground of a man's culture lies in his nature, not in his calling. His powers are to be unfolded on account of their inherent dignity, not their outward direction. He is to be educated because he is a man, not because he is to make shoes, nails, or pins. A trade is plainly not the great end of his being, for his mind cannot be shut up in it; his force of thought cannot be exhausted on it. He has faculties to which it gives no action, and deep wants it cannot answer. Poems, and systems of theology and philosophy, which have made some noise in the world, have been wrought at the work-bench and amidst the toils of the field. How often, when the arms are mechanically plying a trade, does the mind, lost in reverie or day-dreams, escape to the ends of the earth! How often does the pious heart of woman mingle the greatest of all thoughts, that of God, with household drudgery! Undoubtedly a man is to perfect himself in his trade, for by it he is to earn his bread and to serve the community. But bread or subsistence is not his highest good; for if it were, his lot would be harder than that of the inferior animals, for whom nature spreads a table and weaves a wardrobe, without a care of their own. Nor was he made chiefly to minister to the wants of the community. A rational moral being cannot, without infinite wrong, be converted into a mere instrument of others' gratification. He is necessarily an end, not a means. A mind, in which are sown the seeds of wisdom, disinterestedness, firmness of purpose, and piety, is worth more than all the outward material interests of a world. It exists for itself, for its own perfection, and must not be enslaved to its own or others' animal wants. You tell me that a liberal culture is needed for men who are to fill high stations, but not for such as are doomed to vulgar labor. I answer, that Man is a greater name than President or King. Truth and goodness are equally precious, in whatever sphere they are found. Besides, men of all conditions sustain equally the relations which give birth to the highest virtues, and demand the highest powers. The laborer is not a mere laborer. He has close, tender, responsible connections with God and his fellow creatures. He is a son, husband, father, friend, and Christian. He belongs to a home, a country, a church, a race; and is such a man to be cultivated only for a trade? Was he not sent into the world for a great work? To educate a child perfectly requires profounder thought, greater wisdom, than to govern a state; and for this plain reason, that the interests and wants of the latter are more superficial, coarser, and more obvious, than the spiritual capacities, the growth of thought and feeling, and the subtle laws of the mind, which must all be studied and comprehended before the work of education can be thoroughly performed; and yet to all conditions this greatest work on earth is equally committed by God. What plainer proof do we need that a higher culture, than has yet been dreamt of, is needed by our whole race.

The next branch treats of the Means of Self-Culture, resolute purpose, earnest faith, the control of the animal appetites, temperance, intercourse with superior minds in books and conversation, independence of mind, &c.; from which we can extract only the following:

"I have time to consider but one more means of self-culture. We find it in our Free Government, in our political relations and duties. It is a great benefit of free institutions, that they do much to awaken and keep in action a nation's mind. We are told, that the

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education of the multitude is necessary to the support of a republic; but it is equally true, that a republic is a powerful means of educating the multitude. It is the people's University. In a free State, solemn responsibilities are imposed on every citizen; great subjects are to discussed; great interests to be decided. The individual is called to determine measures affecting the well-being of millions and the destinies of prosperity. He must consider not only the internal relations of his native land, but its connexion with foreign States, and judge of a policy which touches the whole civilized world. He is called by his participation in the national sovereignty, to cherish public spirit, a regard to the general weal. A man who purposes to discharge faithfully these obligations, is carrying on a generous self-culture. The great public questions, which divide opinion around him and provoke earnest discussion, of necessity invigorate his intellect, and accustom him to look beyond himself. He grows up to a robustness, force, enlargement of mind, unknown under despotic rule."

After deprecating not more strongly than justly the evils of that party-spirit to which we are but too prone to yield all that is noblest and best of our mind—as also equally that jealousy assumed by some to exist on the part of the poor against the rich, and the "calumnious outcry" we constantly hear against the working classes, as if they were aiming at the subversion of property—there is a great deal of pregnant truth in the following remark, by one standing aloof from the party contests of the day, and uttering the calm, clear accents of disinterested truth and wisdom:

"To me it seems, that the great danger to property here is not from the laborer, but from those who are making haste to be rich. For example, in this commonwealth, no act has been thought by the alarmists or the conservatives so subversive of the rights of property, as a recent law, authorizing a company to construct a free bridge, in the immediate neighbourhood of another, which had been chartered by a former legislature, and which had been erected in the expectation of an exclusive right. And with whom did this alleged assault on property originate? With levellers? with needy laborers? with men bent on the prostration of the rich? No; but with men of business, who were anxious to push a more lucrative trade. Again, what occurrence among us has been so suited to destroy confidence, and to stir up the people against the moneyed class, as the late criminal mismanagement of some of our banking institutions. And whence came this? from the rich, or the poor? From the agrarian, or the man of business? Who, let me ask, carry on the work of spoliation most extensively in society? Is not more property wrested from its owners by rash or dishonest failures, than by professed highwaymen and thieves? Have not a few unprincipled speculators sometimes inflicted wider wrongs and sufferings, than all the tenants of a state prison? Thus property is in more danger from those who are aspiring after wealth, than from those who live by the sweat of their brow."

His excellent remarks on the duty of attention to Politics, upon the Press, upon Education (to which he is in favor of exclusively appropriating the public lands) we pass over with regret. The third branch answers the objections which may be adduced against his views; from which we can afford space only for the following:

"Why is it, I ask, that we call manual labor low, that we associate with it the idea of meanness, and think that an intelligent people must scorn it? The great reason is, that, in most countries, so few intelligent people have been engaged in it. Once let cultivated men plough and dig and follow the commonest labors, and ploughing, digging, and trades will cease to be mean. It is the man who determines the dignity of the occupation, not the occupation which measures the dignity of the man. Physicians and surgeons perform operations less cleanly than fall to the lot of most mechanics. I have seen a distinguished chemist covered with dust like a laborer. Still these men were not degraded. Their intelligence gave dignity to their work, and so our laborers, once educated, will give dignity to their toils.—Let me add, that I see little difference in point of dignity, between the various vocations of men. When I see a clerk, spending his days in adding figures, perhaps merely

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coying, or a teller of a bank counting money, or a merchant selling shoes and hides, I cannot see in these occupations greater respectableness than in making leather, shoes, or furniture. I do not see in them greater intellectual activity than in several trades. A man in the field seems to have more chances of improvement in his work, than a man behind the counter, or a man driving the quill. It is the sign of a narrow mind, to imagine, as many seem to do, that there is a repugnance between the plain, coarse exterior of a laborer and mental culture, especially the more refining culture. The laborer, under his dust and sweat, carries the great elements of humanity, and he may put forth its highest powers. I doubt not, there is as genuine enthusiasm in the contemplation of nature and in the perusal of works of genius, under a homespun garb as under finery. We have heard of a distinguished author, who never wrote so well, as when he was full dressed for company. But profound thought and poetical inspiration have most generally visited men, when, from narrow circumstances or negligent habits, the rent coat and shaggy face have made them quite unfit for polished saloons. A man may see truth, and may be thrilled with beauty, in one costume or dwelling as well as another; and he should respect himself the more for the hardships, under which his intellectual force has been developed."

And the following is the conclusion of one of the finest and noblest of the many admirable productions that have been contributed by this gifted mind, this pure and lofty spirit, and this kindly and benevolent heart, to the permanent literature of our country:

"Let us thank God for what has been gained. But let us not think every thing gained. Let the people feel that they have only started in the race. How much remains to be done! What a vast amount of ignorance, intemperance, coarseness, sensuality, may still be found in our community! What a vast amount of mind is palsied and lost! When we think, that every house might be cheered by intelligence, disinterestedness, and refinement, and then remember, in how many houses the higher powers and affections of human nature are buried as in tombs, what a darkness gathers over society. And how few of us are moved by this moral desolation? How few understand, that to raise the depressed, by a wise culture, to the dignity of men, is the highest end of the social state? Shame on us, that the worth of a fellow creature is so little felt.

"I would, that I could speak with an awakening voice to the people, of their wants, their privileges, their responsibilities. I would say to them, You cannot, without guilt and disgrace, stop where you are. The past and the present call on you to advance. Let what you have gained be an impulse to something higher. Your nature is too great to be crushed. You were not created what you are, merely to toil, eat, drink, and sleep, like the inferior animals. If you will, you can rise. No power in society, no hardship in your condition can depress you, keep you down, in knowledge, power, virtue, influence, by your own consent. Do not be lulled to sleep by the flatteries which you hear, as if your participation in the national sovereignty made you equal to the noblest of your race. You have many and great deficiencies to be remedied; and the remedy lies, not in the ballot box, not in the exercise of your political powers, but in the faithful education of yourselves and your children. These truths you have often heard and slept over. Awake! Resolve earnestly on Self-culture. Make yourselves worthy of your free institutions, and strengthen and perpetuate them by your intelligence and your virtues.

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NOTES OF THE MONTH.

ST. JUAN DE ULLOA.

The newspapers for the last month have been busy with accounts of the last grand victory "on the European plan," that has come off since the bombardment of Antwerp. The American continent, however, was the scene of the exploit; and it would seem that the great powers of Europe, finding opportunities for indulging in the favorite pastime of kings growing more and more scarce in their own hemisphere, are disposed to keep their hand in practice on our American soil,—for when the question lies between Europe and this Continent, our pride of position becomes interested, no matter what may be the portion of its broad expanse affected. The capture of Vera Cruz by the French, and the bombardment of its noble fortress of St. Juan de Ulloa, with the destruction of many hundreds of lives of its defenders—as it were, for a piece of royal sport, to give a young dandy of the blood an opportunity of fleshing his maiden sword, and of showing off to the officers of "la grande nation," and through the Moniteur to the legitimates of Europe, how coolly a prince of the new regime can command the battery of a frigate, or manœuvre a ship into line—has produced a startling effect on the public mind through this entire country. Our newspaper press—strikingly different in this respect from that of Europe—concerns itself but lightly with foreign intelligence, and seldom inquires into the *morale* of great events like this, as judged by those eternal principles by which our own national conduct, nay existence, is regulated and determined. But the people at large—and the people of this country, altogether independent of the newspapers, create its tone of public opinion and regulate its public action—have formed their own conclusions respecting this event, and will be slow to alter them. They view the whole transaction, and their opinion will be shared by the moderate and the thinking men of all countries, with unmitigated indignation, abhorrence, and disgust. Not one ray of that glory which streams over the page of French history from a thousand battles relieves the criminality of an occurrence which no despatches can make other than a high national outrage. In judging of the circumstances, it is not necessary to go deeply into the merits of the case at issue between France and Mexico. It is sufficient for our purpose to know that it was a matter of money, so contemptible in amount that even the political wrong-makers of the French budget could not swell its aggregate to the petty sum of six hundred thousand dollars; and that the Mexicans, also, admitting the propriety of redressing every well-founded grievance, repeatedly offered to submit the details of this redress to friendly arbitration. The knowledge of these facts is sufficient to make us view the sanguinary capture of St. Juan de Ulloa as an act of execrable atrocity, and the wholesale destruction of its garrison as a national murder, revolting to the moral sense of the whole civilized world, and appealing through that pervading instinct to eternal justice itself for punishment and retribution. The day has gone past when the military brilliancy with which it is executed can atone for an act, politically, because morally, wrong; or when the naval precision with which scientific tacticians can pour hot shot into a magazine, can blind attention to the sickening truth, that this sport, so exciting to a young hero of the Tuilleries, and so interesting a variation to the monotony of the Moniteur, has caused many hundred brave men to be wantonly sacrificed, in defending the honor of their country and the sanctity of its soil—and has been committed by a foreign power, having no national interest within thousands of miles even of the hemisphere, which its sanguinary politics have thus foully polluted.

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This French blockade, in all its parts, whether of theory or practice, has jarred hideously with the new spirit of the age, and has awakened an attention to the subject which must result in the application of higher and simpler principles to national action than the exploded maxims of a diplomatic philosophy that is rapidly passing away with the principles it professed, and the systems that it regulated. It was a rude and tyrannical resort to the last extremity of violence, put in motion by the machinery of a diplomatic code born of the low chicanery of courts and kings, and of which the enormities might have remained forever unperceived in the recesses of cabinets, and amid the jarring interest of contending dynasties, but which has withered before the simpler righteousness of the popular intelligence, that from the level of the American Revolution first scrutinized its rules of action. This new spirit, which is now awakening the nations, looks in vain for justification of a practice which places a thousand innocent interests in jeopardy and punishment, because one may have sufficient wickedness combined with sufficient power to thrust its budget of grievances, real or pretended, into the face of a nation, and declare with selfish arrogance to every other having relations with it, that their peaceful pursuits shall cease, that their commerce shall be suspended, and that their claims and business of every sort, shall stand aside till the dust of submission shall be licked, and the full measure of its vindictive retribution been yielded up. This common sense of the popular intelligence says with justice and propriety, that the rule of right would be, if France is aggrieved by Mexico, and cannot obtain redress, she has the privilege to suspend all national intercourse with a people so faithless until justice has been done. She may shut the ports of France to Mexican trade, and interdict the Mexican people the use of every French commodity, until the public deprivation of such accustomed comforts shall compel from their authorities full satisfaction of wrongs which grew out of that trade, and which must not be repeated if it is to be renewed. Or should this not be sufficient, reprisals might be made, as an extreme resort, on Mexican public property until compensation in full had been obtained. This is the extent to which equal and impartial justice between nations would authorize the French cabinet in proceeding. By the Law of Blockade, as now practiced, in seeking compensation for these temporary wrongs, she injures other nations to ten times the amount, and only leaves comparatively unscathed the object of her hostility. What right has France to point to a few frigates ranged along a thousand miles of coast, and arrogantly turn back the rich commerce of America from its destined ports? We surely have nothing to do with the petty tactics of King Louis Philippe, or with the desperate anxiety of his ministers to get up a showy report for the Chambers, and a few necessary bulletins for playthings to the listless heroes of the Barricades. England, too, has nothing to do with the quarrel, for the forcible adjustment of which, nevertheless, her merchants have in like manner to pay its whole amount thrice over in the heavy losses to which it has subjected them.

A better system of the Law of Nations would subject France to just demands for compensation from the people who have been thus heavily mulcted by this unreasonable and arbitrary method of redressing wrongs, which in the strictest sense of the words are merely marketable in their character.

The simple and sublime precepts of Peace are rapidly revolutionizing our ideas of war and conquest. The divine principles of Christianity—the mission of Peace—are beginning to make themselves felt in the movements of nations—spreading unseen through the broad depths of the popular mind, and, identical with the evangelical spirit that is leavening the world, they are rapidly working upwards. till rulers shall ere long find that the horrid trade of war must cease, and that the masses of mankind will not be driven to the insensate destruction of each other without individual interest or cause of wrong whatever.

In this connexion, we are happy to refer to the fact, that prior to the departure of the French Bombarding Squadron, and as soon as its purpose was known, the Chief Magistrate of our Republican Confederation was not wanting to the high moral duty incumbent on the national representative of American democracy, of interposing to endeavor to arrest its destructive and sanguinary mission. A letter was despatched,

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by a special messenger, from our President to the American legations at Paris and London, strongly, and in an admirable spirit and style, invoking a peaceable adjustment of the dispute, presenting the example of the reference of our own far more protracted and grievous wrongs to amicable arbitration; and offering the arbitration of the Government of the United States, or its mediation in any mode calculated to avert the impending public calamity of war and bloodshed.

In the terms we have here felt impelled to use, to give expression to the pain and abhorence with which every right feeling and right judging mind must be filled by the sickening contrast between the paltry end and the dreadful means in the present case, it is of course not our meaning to pass upon the French Government the full measure of condemnation of the moral atrocity of the act, which our language would apply to the act itself, and to the old and barbarous principles of international relations and rights on which those looking at it from a different point of view may found a justification of it. While we look with abhorence and disgust at the whole theory and practice of aggressive and vindictive war; and cannot let such an occasion pass without an expression of the natural sentiments of American democracy in relation to it; yet we know how to make the liberal allowance dictated by evenhanded justice, for men and for a government educated in a school of totally different ideas and influences.

FLOWERS OF CONGRESSIONAL RHETORIC.

We are proud to profess the honest pride which swells our bosom at the contemplation of every new display of American genius. In the indulgence of this sentiment, our patriotism does not confine itself within the narrow limits of mere party affinities; and when we observe such rare and exquisite flowers of fancy as the following, wasting their sweetness on the desert air of the ephemeral columns of a newspaper, we cannot resist the temptation of rescuing them from that undistinguished and perishing obscurity, to unite them in a *bouquet* which we here offer to our Whig friends and readers, as, we trust, an acceptable token of our liberality and candid appreciation of the brilliancy of imagination, the soaring boldness of conception, and the chaste delicacy of taste, of their favorite and foremost orators.

The following incomparable and inimitable simile, to embody his conception of the stupendous wickedness of the Administration, will be readily recognised as the production of Mr. Menefee, of "Old Kaintuck,"—*aut Diabolus aut Erasmus.*

"He could perceive a feverish anxiety in the party in power, which indicated that after all the enormities which had come to light there were other and greater still behind. Hence the anxiety to stifle debate, and quench the light which was beginning to be shed on dark transactions long hidden from the public eye. After the proof had come of iniquity after iniquity, which had been plunged like avalanches from the heights of power into the pure lake of our republican institutions, now that Liberty was looking to this House for help, now came a solemn tirade in the Globe against wasting time in this most villanous debate, and an appeal to the liege subjects of the throne at once to put a stop to it; and while such intimations came from the Official Organ, simultaneously there was an effort, within the House, to smother documentary light."

To appreciate this the reader must gradually work up his imagination to the level of the Alpine sublimity of the idea; or if that is beyond his powers, let him get up as near to it as he can. Let him first figure to himself the Administration, a certain vague, impalpable, foul, and awful Idea, a *monstrum horrendum, informe, ingens, cui lumen ademtum*—with a bolster in one hand, like Othello, to stifle debate, and smother the fair form of "Documentary light," and with a bucket in the other to quench the aforesaid peculiar description of light, should the smothering operation not prove sufficient to kill it. Let him next plant the monster on the top of Mont Blanc, brooding in grim horror over the verdant vales sleeping in tranquil loveliness and security below. Let him fuse into a "pure lake" our republican institutions, and 'locate' it at or near the base of the monster. When he has

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well realized this magnificent image, let him set it to work to make avalanches, which can be done on these "heights of power" by merely rolling snowballs about among the eternal snows with which Byron informs us that the "monarch of mountains" has been crowned as with a diadem. Let him then make it tilt them over the verge of the awful height, and roll them down one after another, crashing, dashing, smashing, and finally splashing in the "pure lake" aforesaid, which we hope he has still borne in mind. Let him then fancy "Liberty" rising out of the bosom of the waters,

"As Venus, when she rose,
Effulgent, on her pearly car, and smiled,
Fresh from the deep, and conscious of her form,"—

not quite killed, but only stunned, by this pitiless pelting of avalanches; and though unable to speak the indignant grief with which her bosom is laboring, or to cry out either *help* or *murder*, yet looking unutterable things to the House of Representatives; when lo! she is interrupted by the entrance of "the Man of the Globe," who reads a solemn tirade from his columns about her wasted and misspent time, and has the additional cruelty to raise a clamor to prevent her being heard at all. Let the reader plume the wings of his imagination, and lash himself up to a fine phrensy, by the contemplation of such stupendous imagery as this, and then he may venture to follow at a humble and admiring distance in the wake of Mr. Menefee's career of eloquence. We cannot doubt that he will then be quite prepared to yield up all his common sense to the witching fascination of such overpowering rhetoric, to abandon the Administration, with all its Democracy, State-Rights, Divorce of Bank and State, &c. &c., in despair and disgust, to its merited fate, and conclude with the same eloquent young gentleman, that—

"It might as well at once, with arms crossed, and hearts resigned, come up to that bar, where the American people would pass upon its deeds, and award their due recompense. *That People would embody the iniquities of ten long years, and, placing them on the head of the victims, would stretch the sacrificial knife, and calling on Heaven, would make one great expiatory offering to the God of Liberty!*"

The monster, from this passage, must certainly be allowed the merit of great meekness and condescension to submit thus quietly to a fate so horrid. This combination of judicial and sacrificial cruelty—with such examplary piety, that like Giacomo in Fra Diavolo, it must say its prayers before it plunges its knife into the throat of its willing victim—is certainly a new feature in the character of the "American People." We are afraid the examples of the Canadian executive have been too contagious. "The *God* of Liberty," however, after being frightened into a change of sex by the concussion of the avalanches, certainly deserved the atonement of such a sacrifice.

After this combination of horrors, a change of imagery will be grateful, and the reader accordingly will be much refreshed by accompanying Mr. Prentiss of Mississippi, from the dizzy Alpine heights of Mr. Menefee to the great depths of Mill Pond or York Bay. We again recur to the newspaper report:

"Mr. Prentiss said he was as well pleased as the gentleman who had just taken his seat at witnessing the sensation in certain parts of this House at every fresh haul of truth from the great deep of this Administraton's secrets. *The great oyster-bed had not been disturbed for years, now, and he did not doubt that another grab would bring above water larger and fatter oysters than any which had yet been opened!* Yes, there were other fine fish below, which had not yet been hooked up or speared. He was for trying all ways to get at them; lines, nets, spears, harpoons; any means and all means he was for trying, so that by some means the fish might be made to appear above water."

We opine that it would be essential to the success of this experiment that the ocean do not chance to be at the moment in the state of "boiling like a pot," under the keels and paddles of our American steamboats.

Which of these varieties of eloquence the reader will prefer, must be left to individual taste. We cannot presume to be the arbiters of such a rivalry of rhetoric,

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but content ourselves with thus awarding to both our magnanimous tribute of admiration, without any invidious discrimination of preference, presenting each, with equal honors, to our readers in both hemispheres, and to posterity, as choicest models of the highest order of the Whig eloquence of the present day in the House of Representatives—

———Arcades ambo,
Et cantare pares, et respondere parati.

MATCH OF CHESS BETWEEN NEW YORK AND WASHINGTON.

It is generally known to the votaries of this noble game in this country—if no higher name will be permitted by those unacquainted with its merits, and judging it only by its apparent results—that a public Match by correspondence has for some time been in progress between the rival Chess clubs of New York and Washington, the commercial and political capitals of the Union. As we have been several times requested to make its progress known to those of our readers interested in the subject, it may find a not inappropriate place on this page. The match was commmenced in January, 1838—the challenge proceeding from New York. Two games are played simultaneously, each party having the first move in one game. The stake is a small amount, to be appropriated to the purchase of some suitable trophy of victory. The time allowed for each move is one week. One of the games was at one period interrupted for a few moves, by a claim by the New York club to a default, presumed to have been incurred by the other party by a failure to move within the allotted term. The claim was disputed, and is still in suspense, the game having been resumed and continned as a "back game," in case of the claim being eventually sustained. Of the merits of the respective play, and the probable issue of the match, every reader may judge for himself:

FIRST GAME.

(*Begun by the New York Club.*)

NEW YORK.	WASHINGTON.
1. King's Pawn 2 sq.	The same.
2. K B to Q B 4th.	The same.
3. Q B P one.	Q to K 2d.
4. K Kt. to K B 3d.	Q P one.
5. Q P one.	K Kt. to K B 3d.
6. Q to K 2d.	Q B to K 3d.
7. K B to Q Kt. 3d.	Q Kt. to Q 2d.
8. Q B to K Kt. 5th.	K R P one.
9. Q B to K R 4th.	B takes B.
10. P retakes B.	Q to K 3d.
11. Q Kt. to Q 2d.	K Kt. to K R 4th.
12. B to K Kt. 3d.	Kt. takes B.
13. K B P retakes Kt.	Q R P one.
14. K Kt. to K R 4th.	K Kt. P one.
15. Q R P (doub.) one.	B to Q R 2d
16. Q to K B 3d.	Q B P one.
17. K R to K B.	Castles with K R.
18. K B P (doub.) one.	Q P one.
19. K R P one.	Q to K 2d.
20. K Kt. P one.	Q R to Q.
21. K to Q.	Kt. to Q Kt. 3d.
22. K to Q B 2d.	Q R to Q 2d.
23. Q Kt. to Q Kt. 3d.	K R to Q.
24. Q Kt. to Q B 5th.	Q R to Q 3d.
25. Q Kt. P one.	Q P takes K P.

SECOND GAME.

(*Begun by the Washington Club.*)

WASHINGTON.	NEW YORK.
1. K P 2.	The same.
2. K Kt. to K B 3d.	Q Kt. to Q B 3d.
3. Q P 2.	P takes P.
4. K B to Q B 4th.	Q to K B 3d.
5. Castles.	Q P one.
6. Q B P one.	K P (doubled) one.
7. K Kt. to K Kt. 5th.	Q Kt. to K 4th.
8. K B to Q Kt 5th, ch.	Q B P one.
9. K B P 2.	Q Kt. to K Kt. 5th.
10. K B to Q B 4th.	Q Kt. to K R 3d.
11. K P one.	Q home.
12. B takes K P. (doub.)	Q P takes K P.
13. P retakes.	K B to K 2d.
14. K Kt. to K 4th.	Q Kt. to K Kt. 5th.
15. Q B to K B 4th.	K R P 2.
16. Q to K B 3d.	Q to Q Kt. 3d. ch.
17. K to K R.	Q B to K 3d.
18. Q Kt. to Q 2d.	Castles.
19. Q Kt. to Q B 4th.	B takes Kt.
20. B retakes B.	K Kt. to K R 3.
21. B takes Kt.	Q Kt. takes B.
22. B takes K B P.	

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APPENDIX.

[In a former Article (Dem. Rev. Vol. 1, No. 2. Art. 1.) the subject was discussed at some length, of the enormous extension which had taken place, within the preceding twenty-five or thirty years, of the authority and action of the federal judiciary, in its assumed paramount supremacy over the sovereign legislation of States. The subject was then, however, but sketched out in general terms, a promise being given to develope it more thoroughly on another occasion. The individual authorship of that Paper was generally understood at the time, especially among the profession particularly interested in its subject. In fact, to the eye of every reader acquainted with the author, the screen of the anonymous afforded no concealment to the name distinctly written upon the Article itself, from beginning to end. Of the impression made by it upon the public mind, it is not for us to speak. The further developement of the subject, with which it was to be succeeded, was drawn forth so fully in a speech shortly afterwards made by the same gentleman in the recent Pennsylvania Convention for amending the Constitution of that State, that we have thought it best to publish it in the manner here adopted. For although there may appear, in the course of it, some portions less immediately pertinent to the subject, than would be strictly appropriate to a Review Article, the whole will be found at the same time so combined and fused together that discrimination would be difficult, if not impossible; while we regard it as so valuable, for research, learning, argument, and illustration, directed and animated by a pervading influence of sound Democratic doctrine, that we cannot consent that our readers, interested in the views of the former Article referred to, should lose the benefit of this its appropriate sequel,—the speech never having been reported or published in any other form.

We desire not to be misunderstood—exemption from misrepresentation would be too much to expect—with respect to the objects in view in its publication in the present mode, and to the various ideas and expressions that may be contained in an Article appearing thus under the responsibility of an individual name, and of course without editorial revision It is not aimed as an attack upon any institution or institutions, in one State of the Confederacy or in another. We disclaim in advance all imputations of any intention to assail any incorporation or any system of incorporations; any desire to invoke the repeal of any existing charter, whether of city, bank, college, canal, road, bridge, or of any character what-

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ever. Erroneous and pernicious as we deem that whole system of legislation, such a course is neither called for by public opinion, nor would it be either the easiest or the best mode of arresting its future injurious action, and of remedying the present evils that have resulted from it. The only true and wise mode of rectifying these is, according to our views, by destroying—not existing institutions, of what nature soever—but the *monopoly* feature of their *specially privileged* character. The simple and direct means of attaining this object is by general free incorporation laws, which would extend and improve such benefits as may now proceed from them, and soon annihilate or neutralize their many and serious evils. The indication of this idea, as the one radical principle of reform needed, in our judgment, by the disorders of the times, will suffice, with every liberal and candid mind, to repel all such imputations as are here explicitly disclaimed, of hostile views towards any existing chartered institutions or "vested rights." The only thing it is our intention or desire to attack is an inveterate common error of opinion, and judicial abuse of power, which have gone far essentially to vitiate the Democratic spirit of our institutions. The remark has been most justly made by M. de Tocqueville, as quoted in the course of the following pages, that the jurisdiction of the federal judiciary over State laws, of an *ex post facto* character, or involving *contracts*, attacks more deeply than any other provision of the Constitution, the sovereignty of the States. No disciple of the profoundly wise and simply beautiful doctrines of the State Rights school of politics can, then, look with any other than a jealous eye upon the exercise of such jurisdiction. And when it is found to have been extended, by a long course of vicious constructive adjudication, so immensely beyond all tolerable limits, by bringing in under its paramount control the whole system of State legislation in relation to charters, whether of public or private character, we cannot but feel the deepest interest in contributing to rectify the public opinion, long led so widely astray from all sound principles of government and legislation on this subject. Our general object, therefore, in the following pages—without assuming the responsibility of every minor and incidental idea thrown out—is to show, simply as abstract truths, and without reference to any practical applications of them:—that public charters of incorporation, and especially bank charters, are not *contracts*, as we hear often maintained, but *laws*, subject, as all other general laws, to modification or repeal, on general principles of policy alone; and that they are in no sense under the protection, as *contracts*, of the federal judiciary, against the sovereign will and pleasure of the State legislation which has called them into being.]

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APPENDIX.

SPEECH

OF

CHARLES J. INGERSOLL.

In the Convention of Pennsylvania, on Legislative and Judicial control over Charters of Incorporation.

In what was said, the 15th of December, respecting political economy, I mentioned what I now repeat, that the former view was but preliminary to this greater question of the right to repeal bank charters by enactment of law, without judicial agency. This restoration of public supremacy is the great desideratum. Settle this in general consent, and with a coin basis, banks will be useful and States sovereign. Without it banks are government, and the very worst government.

I disclaim all power of this Convention to act directly on banks. It can reach them only through future legislation. And I desire to introduce my argument by expressly repudiating nearly every assertion and concession of Mr. Dallas's much abused letter. All that he concedes of contract I contend for; all that he asserts of the effect of fraud in legislation, I dispute. I question, at any rate, his doctrine as to the contract obligation of reimbursing a bank bonus; and I need hardly add that I disown every one of his unlucky, though misconstrued and perverted, illustrations.

Furthermore, I acknowledge the supremacy of the Federal Government in whatever may be the appropriate way to control State laws, and the acts of this Convention; and wherever a charter is a contract within the Constitution of the United States, that is the supreme law, to maintain the obligation of such contract against all State laws impairing it, whether proceeding from Convention or Legislature.

I repudiate, and strongly deprecate, every violation of property and vested right. I own the inability of a State, by law or otherwise, to resume its grant of *private* property; and I hold a State bound to protect private property and right. I cannot but dwell a moment on my denial already intimated of what has been conceded by Mr. Dallas, Mr. Forward, Mr. Porter, and Judge Hopkinson, that a law infected by fraud is therefore either void, or voidable by judicial proceeding. The argument in Peck's case appears to me in this particular to be conclusive; and on this point alone is the Supreme Court unanimous in that case. If a majority of both Houses of a Legislature can be proved to have enacted a law from fraudulent motives, perhaps that may be reason enough for its repeal by law, but not for its judicial abrogation. To take the instance of fraud imputed to the Bank of the United States in the alleged corruption of a certain number of one branch of the Legislature, in the persons of two members of this Convention, with other Senators, I cannot perceive

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how such a circumstance is to annul, though it may vitiate the act of all the rest constituting a majority of both branches. Without prior conviction a court of justice cannot judicially know the fraud; and, as is said in Peck's case, there appear to be insuperable difficulties in the way of ascertaining, assuming, or acting upon it judicially at all. Plutarch states, in his life of Cicero, that Cornelius Lentulus, under accusation, corrupted most of his judges; and being acquitted by a majority of two, he said that what he had given one of them was thrown away, for a majority of one was all he wanted. At least a majority must be corrupted; and even then there remain many difficulties before a court of justice can set at naught a law on the plea of fraud.

Having thus, by liberal concession, cleared my premises of all that might embarrass the real, and my only, question, I deny that bank charters are contracts, within the meaning of the Constitution. That they have been thought such was, without due consideration, judicial determination, or other sanction, taken for granted from the sweeping but individual doctrines of one of the judges in the Dartmouth College case and its unfortunate offspring, as novel as they are latitudinary; from Judge Story having, without any authority, said so in the course of his discussion and support of those doctrines; and from inconsiderate and unauthorized compilers and book-makers, to whom the legal profession is beholden (and doubtless they are convenient) for commentaries, digests, and other works, which abridge research, but ought seldom to be taken as law. Let it always be kept in mind that I speak of bank charters only. It is a common error to confound all charters of incorporation—which is done often without reflection, though sometimes disingenuously. Modern free republican self-government, with bills of rights, liberty, and equality, are confounded with the totally different political systems of old, when charters less known were entirely unlike modern corporations. Mr. Forward, in his letter on this subject, treats all charters as alike, a very prevalent misapprehension; assuming that all are contracts, because some are. "Every body knows," he says, "and even partizans (alluding probably to Mr. Dallas) do not deny that a charter is a contract between the Government and individuals, and has all the essential attributes of any other contract." And so he proceeds, on premises altogether assumed, and as I conceive fallacious, confounding all charters, and affirming that all are contracts because some may be, making no distinction between public and private, or between a State and an individual, and concluding from such premises that because a State has no power to resume a private grant or impair contracts between individuals, it therefore has no right to control public incorporations or regulate what is part of political government. Having thus, by assumption and confusion of the subject-matter, established his position, Mr. Forward adds that "it is to be recollected that it is not the solitary power of destroying the Bank of the United States that is ascribed to the Convention, but a power to destroy *all* charters—annihilate all vested rights." "If there be any exception," says he, exultingly, "let the friends of absolute power point it out, and let them fix the limits that shall circumscribe the omnipotence of the Convention. No such limits can be assigned. The power to annul charters is the power to annul patents for lands; and if either the one or the other can be done by the Convention, they may expel us from our houses and rob us of our goods." All this eloquence and obloquy, these hard words and alarms, are

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the result of mistaken premises, of not discriminating between obviously different kinds of charters, and assuming what Mr. Dallas's letter may perhaps warrant,—but I plant as the very cardinal question, whether bank charters *are* private contracts. Every lawyer is familiar with the distinction between public and private acts of incorporation. Every statesman should recollect the difference between the guilds and colleges of despotic ages, and a charter of privilege from our free condition. Every American feels to his cost that power to make public currency a substitute for money, is a recent grant or usurpation of part of the sovereignty wh ch, for the first time, is now mistaken for a mere private charter. Charters of old were mostly municipal exemptions and immunities from the general lot of individual restraint and subjection—grants of freedom—such as Magna Charta and others. But modern acts of incorporation are generally grants of special privilege and franchise from common liabilities and segregation from individual equality; grants of privilege, contrary to common right, almost peculiar to this country and this century. Old charters were asylums of liberty; modern charters are strongholds of privilige. Formerly the freedom of some town or guild was necessary to a man's being permitted to follow a trade; whereas, now all men are free alike to choose any calling; but the incorporated are privileged above the rest in property. If American Legislatures can charter at all, the charters they grant for private purposes may be rights, which, once vested, cannot be resumed or impaired by legislation. Whether such grants are contracts, in the meaning of the Constitution, or not, they may be rights, as well vested as other private rights. It is a great mistake to suppose that charter or corporate rights are more sacred that personal rights. Judicial speculations and professional obsequiousness have tended, if not endeavoured, to place property on higher ground than persons. But this is a mischievous error, without the least foundation in justice or authority. Charter property is held by no better tenure than private. All rights are vested. No charter vests corporate rights more firmly than every individual right, whether actual, acquired, or howsoever held. I assert all personal rights; and I question no private or vested rights, by denying that a bank charter is a contract. No novel or alarming denial of any right is set up, by vindicating the right of Government to superintend, regulate, control, and repeal, if need be, without judicial agency, the bank charter which Government grants.

I will not altogether deny, but desire to question briefly, the power almost universally taken for granted, without express authority by constitution of an American State, to grant a charter of incorporation. We are taught that social and political authority in the old world proceeds from either parentage or force; which is the derivation of Government, according to Paley, and other inquirers into its origin. The power of parents on that of force, founds political authority. Perhaps our American Governments are founded in consent—that of the United States certainly is. But however established, why is an American Legislature necessarily authorized, by tacit commission, without express grant, perfunctorily to confer chartered privileges on a favored few? Such franchises have no foundation but in public convenience and public utility; and are they within the ordinary scope of the mere trust of American legislative function? That Legislatures should not, if they can, grant monopolies, seems to be yielded by the studied effort to show that corporations are not monopolies. Are perpetuities within the power of legislation?

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They are contrary to common law and right. Public policy denies, and courts of justice annul them, as incompatible with good government. Courts of justice will not indulge even wills, so as to create a perpetuity which the law abhors—strong language, but it is the language of Blackstone. Yet the law is, that one of the peculiar properties of a corporation is perpetual succession; for in judgment of law it is capable of indefinite duration. What right have annual legislative trustees of the permanent sovereignty, without express authority in their written commission—what public policy is there, by personal privilege, in granting property in perpetuity to one or more incorporated persons, which common law and equity withhold from the same persons, if not incorporated? Common law abhors and annuls perpetuities. The common practice of American legislatures pullulates them. A man may have as a corporation sole what he cannot have as an individual. It is settled law that a charter conveys no power but what is expressly granted, or indispensable to effectuate what is so granted. Yet personal exemption from the common lot of all unincorporated persons, which is not expressly granted by any charter, is assumed as part and parcel of the grant, to the detriment of the community. Property prevails over person, to establish, by judicial and professional interpretation of common law, what, if tested by any mode of ascertaining it, would assuredly be refused by common sentiment. Charters, in the theory, are to go by their very letter; but in practice they confer privileges beyond all their original and true spirit. American legislators are trustees of parts of a reserved sovereignty. But they grant the whole sovereignty over the currency, the highways, and other property of the sovereignty, which they are not entrusted to part with, because the Federal Legislature has no power, in terms, to grant charters. Such power is denied by much of the intelligence of the country. It has always been insisted by many of the makers of the federal constitution, that without express power to incorporate, such power does not exist. Hamilton in his vindication of the constitutionality of the Bank of the United States, asserts the English position, that power to incorporate is inherent in every definition of government, as a general principle, essential to every step of its progress; that every power vested in a government is in its nature sovereign, and includes, by force of the term, a right to employ all the means requisite and fairly applicable to the attainment of the ends of such power, which are not precluded by restrictions and exceptions specified in the Constitution, or not immoral, or not contrary to the essential ends of political society. This general principle then, he says, puts an end at once to Jefferson's abstraction, that the United States have not power to erect a corporation, that is to say, to give a legal or artificial capacity to one or more persons distinct from the natural. "It is incident," says Hamilton, "to sovereign power to erect corporations. The difference is this, that where the authority of government is general, it can create corporations in all cases; where it is confined to certain branches of legislature, it can create corporations only in those cases. The Roman law is the source of the power of incorporation; according to which a voluntary association of individuals, at any time or for any purpose, was capable of producing it. In England whence our notions of it are immediately borrowed, it seems part of the Executive authority, and the exercise of it has been often delegated by that authority; whence, therefore, the ground of the supposition, that it lies beyond the reach of all those important por-

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tions of sovereign power, legislative as well as executive, which belong to the Government of the United States. An incorporation seems to have been regarded as some great independent substantive thing; as a political engine, and of peculiar magnitude and moment; whereas it is truly to be considered as a quality, capacity, or means to an end. Thus a mercantile company is formed with a certain capital for the purpose of carrying on a particular branch of business. Here the business to be prosecuted is the end. The association in order to form the requisite capital is the primary means. Suppose that an incorporation were added to this, it would only be to add a new quality to that association; to give it an artificial capacity by which it would be enabled to prosecute the business with more safety and advantage. A general legislative authority implies a power to erect corporations in all cases, a particular legislative power implies authority to erect corporations in relation to cases arising under that power only. To erect a corporation is to substitute a legal or artificial person; and where a number are concerned, to give them individuality. To that legal or artificial person once created, the common law of every State of itself annexes all those incidents and attributes which are represented as a prostration of the main pillars of their jurisprudence; for the true definition of a corporation seems to be this: that it is a legal person, or a person created by act of law, consisting of one or more natural persons authorised to hold property, or a franchise in succession, in a legal, as contradistinguished from a natural, capacity."

I have quoted thus copiously from Hamilton's admirable defence of legislative power to grant corporations, because I know of no abler vindication, and my object is to state the whole question in its utmost fairness and force. But this argument was in answer to Jefferson's—become, like Hamilton's, the standard of a political school. I will not say that the errors of Hamilton's argument, but its inconsistency at any rate with those political principles which have been asserted by certain philosophers from Locke to Jefferson, consists among other things in ascribing sovereignty to legislation, which, however consistent with English doctrines, is inconsistent with American. Congress is not sovereign, even though supreme in its delegated authority: nor is a State legislature. Power superior to that of legislation, abides in written constitutions, and sovereignty only in the people. Corporations derived from Roman law; and in England part of the executive authority may have been corroborated by the common law annexing to them personal intangibility. But English common law has never secured corporate beyond private rights, and how came that part of the common law of England, which sanctions corporations, to be consecrated here as law at all? That it is not the law of the United States must be agreed, and whether so in any State, depends on the particular constitution and law of that State. In all the States carved out of Louisiana, if the Roman law is their inheritance, every voluntary association might be incorporated, but no member of a corporation would be personally privileged from common liability. The flower of English royal prerogative to grant charter, even by deputy, when transplanted to America, took root, if any where, in the popular, not the legislative soil. When Jefferson denies that Congress can create a corporation with capacity to set aside the laws of mortmain, alienage, descents, distributions, escheats and monopolies established by the State, does he not authorise denial of the common law's power to do so? State legislation may effect those purposes directly, but can it grant charters

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as successor to the British Crown, without explicit constitutional permission? Or can the English common law, Americanized, judicially repeal these most important of our alterations of that common law? I venture to question this boasted issue of complicated construction—all assumed, all constructive—construction reared on assumption. The crown incorporates, therefore the legislature incorporates, without express constitutional permission. The English common law annexes incidents to corporations subversive of equality, therefore American common law abrogates the cardinal statutes of our Government, and thus an incorporated individual is placed beyond all our political institutions.

The first constitution of Pennsylvania is explicit in this respect, Chapter I, Section, 3 and 4 of the Declaration of rights: "The people of this State have the sole exclusive and inherent right of governing and regulating the internal policy of the same.—All power being orginally inherent in, and consequently derived from the people; therefore, all officers of Government, whether legislative or executive, are their trustees and servants, and at all times accountable to them."—These pregnant declarations of the source, trust, and accountability of legislation, if not unmeaning phrases, are original and explicit reservations by a sovereign people of their rights, always to regulate the internal police of their State, by mere short lived responsible trustees, never empowered, unless in terms, to devolve on other trustees (which is incompatible with the nature of trusts) perpetual and exclusive privileges of exemption from the common lot of their common constituents. In the second chapter of the same Constitution, legislative powers are defined; and among others is, in terms, that of granting charters of incorporation. It may be affirmed, therefore, from the constitution of '76, when corporations had not become common right by common misapprehension, and State bank charters were unknown, that the prevailing opinion in Pennsylvania was that legislatures cannot grant them without being authorised expressly by constitutional permission. In the debates on repealing the charter of the Bank of North America, this is forcibly urged by Mr. Smilie and Mr. Findley; and before legislative practice on this subject had become inveterate, under the seductive influence of public improvements and individual infidelity, legislative power to incorporate was not taken for granted as it is now, but the contrary. The first article of the Declaration of Rights of the constitution of '90, declares the birthright equality of all men, and their indefeasible right of acquiring, possessing, and protecting property; which is no unmeaning phrase, as it must be, if legislation may render all men unequal in the acquisition, possession, and protection of property, by privileging a few to be exempt from the liabilities common to all the rest concerning it. The law of continental Europe, from which we derive our illegitimate corporations, does not confer on men incorporated the formidable privilege of holding corporate property free from the personal liabilities to which they are liable for their unincorporated property. The pedigree of American corporations is extremely base. Privileges inconsistent with American government proceed from acts of legislatures having no constitutional power expressly to grant them; but the legislature does not give the most formidable privileges. A name, faculty of suit, succession, a seal, authority to make laws not contradicting the law paramount, and to hold property, are capacities useful to the public ends which alone legislat ionhas a right to provide for, when individuals are incorporated

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Privilege of exemption from individual liability, which is no part of the Roman original, is assumed in this country as an incident of English common law. As a corporation cannot be committed to prison or outlawed, be arrested or appear to suits in person, therefore, proceedings against it are by distress on its lands and goods. But on what principle of common law or good government are the members privileged from personal responsibility for their corporate property? Granting that to be the English common law, no part of that law was adopted in America which is inconsistent with American institutions. There were very few if any political corporations at the time of the Revolution; and what is taken for common law perhaps even there, but certainly here, is not that custom arising from universal agreement which Blackstone defines to be the common law, but rather assumption or usurpation of very recent and unnatural growth—the fungus or imposthume of professional plethora. The Roman original being entirely departed from, and even the English royal prerogative of incorporating extended, may it not be questioned whether by the American Revolution this formidable power passed to our Legislatures? If the people are the State, and the Legislature is not, it follows that no legislature has authority to grant charters, unless permitted by the people in a constitution. It is of vast importance to the permanence of our institutions that the origin of assumed power should be ascertained. Corporation power is now an overshadowing influence in this State whose very prepotency requires investigation. Such as its rights are, let us abide by them. but let us ascertain what they are.

Mr. Porter concedes as most others seem to do, the right of posterior legislation to tax banks, limit dividends, and otherwise restrain banks. Power to limit bank issues of paper, and confine them to coin, is universally asserted and acquiesced in. The Governor in his late message, insists on much more extensive intervention than is necessary, by subsequent enactment to impair the original privileges of bank charter. I never heard a denial of the legislative right to change the public circulation by diminishing the paper and increasing the coin of banks, (whatever may be said of direct repeal of their charters,) till Judge Hopkinson insisted upon it here. It has not been questioned before, I believe, either in practice or principle. He contends that power to issue the paper or coin medium continues always as granted at first; which is pushing vested right in public power to the uttermost; though perhaps the best test of the validity of the argument which denies posterior legislation any power to affect the alleged contract of bank charters. Paine, as cited by Mr. Porter, evades the question of power and fabricates an argument on contract, by suggesting that charters are not laws but acts—acts of bargain and sale by the Legislature. But who commissioned Legislatures to sell and bargain acts of favor for money, as kings sell titles? Mr. Forward in his letter, calls a charter the act of a Legislature, clothed with limited powers, he grants, but to the extent of those powers representing the people; and he would be pleased by some one's defining what is meant by sovereign power. Chief Justice Marshall says, in Peck's case, that it may well be doubted whether the nature of society and government does not prescribe some limits to the legislative power. Although less susceptible of definite restriction, legislative power requires limitation at least as much as Executive or judicial power; and it is a great desideratum of American politics to teach our legislators, many of whom, especially the professional members, are extremely loose

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in their notions of legislative power, that it is limited at all Too many suppose they may vote as they will, provided it is not morally wrong. Paine's suggestion is but an evasion of the question of power. The notion that a law may not be a contract, because called an act and not a law, though clothed with all the forms, solemnities and effects of a law duly enacted, is a mere sophism. By whose commission do law makers become chapmen, to sell privileges for money in which they too often contrive to share themselves, or with friends, relations, or partisans? Not only is a charter a letter of attorney, to be executed to the letter, and infringed by every departure from it; but legislation is a strict commission also, and every representative, whether corporator or legislator, who forgets that he is a trustee, violates his trust. Kings of England have sold charters, and even granted to others the power to sell them, as they have sold titles. But that American legislators have no such power, Paine himself proves in the following extract from a publication by him, dated June 21, 1805, addressed to the citizens of Pennsylvania on the proposal for calling a convention to reform this Constitution:

"A constitution is the act of the people in their original character of sovereignty. A government is the creature of the constitution; it is produced and brought into existence by it. A constitution defines and limits the powers of the government it creates. It therefore follows as a natural, and therefore a logical, result, that the government exercise of any power not authorised by the constitution, is an assumed power and therefore illegal.

"There is no article in the Constitution of this State, nor of any other State, that invests the Government, in whole or in part, with the power of granting charters or monopolies of any kind; the spirit of the times was against all such speculations; and therefore the assuming to grant them is unconstitutional, and, when obtained by bribery and corruption, is criminal. It is also contrary to the intention and principle of annual elections. Legislatures are elected annually, not only for the purpose of giving the people, in their elective characters, the opportunity of showing their approbation of those who have acted right, by re-electing them, and rejecting those who have acted wrong; but also for the purpose of correcting the wrong (where any wrong has been done) of a former Legislature. But the very intention, essence and principle of annual election would be destroyed, if any one Legislature, during the year of its authority, had the power to place any of its acts beyond the reach of succeeding Legislatures; yet this is always attempted to be done in those acts of Legislatures called Charters. Of what use is it to dismiss legislators for having done wrong, if the wrong is to continue on the authority of those who did it? Thus much for things that are wrong. I now come to speak of things that are right, and may be necessary.

"Experience shows that matters will occasionally arise, especially in a new country, that will require the exercise of a power differently constituted from that of ordinary legislation; and therefore there ought to be an article in a Constitution defining how that power shall be constituted and exercised. Perhaps the simplest method which I am going to mention is the best, because it is still keeping strictly within the limits of annual elections, makes no new appointments necessary, and creates no additional expense. For example:

"That all matters of a different quality to matters of ordinary legislation—such, for

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instance, as sales or grants of public lands, acts of incorporation, public contracts with individuals or companies, beyond a certain amount—shall be proposed in one Legislature, and published in the form of a bill, with the yeas and nays, after the second reading, and in that state shall lie over to be taken up by the succeeding Legislature; that is, there shall always, on all such matters, one annual election take place between the time of bringing in the bill and the time of enacting it into a permanent law.

"It is the rapidity with which a self-interested speculation or fraud on the public property can be carried through within the short space of one session, and before the people can be apprised of it, that renders it necessary that a precaution of this kind, unless a better can be devised, should be made an article of the Constitution. Had such an article been originally in the Constitution, the bribery and corruption employed to seduce and manage the members of the late Legislature in the affair of the Merchants' Bank could not have taken place. It would not have been worth while to bribe men to do what they had not the power of doing. That Legislature could only have proposed, but not enacted the law; and the election then ensuing would, by discarding the proposers, have negatived the proposal without any farther trouble.

"This method has the appearance of doubling the value and importance of annual elections. It is only by means of elections that the mind of the public can be collected to a point on any important subject; and as it is always the interest of a much greater number of people in a country to have a thing right than to have it wrong, the public sentiment is always worth attending to. It may sometimes err, but never intentionally and never long. The experiment of the Merchants' Bank shows it is possible to bribe a small body of men, but it is always impossible to bribe a whole nation; and therefore in all legislative matters that, by requiring permanency, differ from acts of ordinary legislation, which are alterable or repealable at all times, it is safest that they pass through two Legislatures, and that a general election intervene between. The election will always bring up the mind of the country on any important proposed bill, and thus the whole State will be its own *council of revision*. It has already passed its *veto* on the Merchants' Bank bill, notwithstanding the *minor* council of revision approved it."

It is not my intention, however, to fatigue or perplex by metaphysical inquiries into the origin of communities, or the power of their representatives to enact Charters, meaning to submit, with deference, views divested of every questionable assumption or preliminary doubt, in the plainest way to common understanding, and therefore I superadd to all preceding concessions, that American Legislatures have power, without constitutional grant of it, to create Charters for Banks; which I concede for argument's sake, yet contend that a bank charter, created by any American State, is not a contract within the purview of the Constitution of the United States, or this State forbidding acts of state impairing contracts. That a Bank Charter is not a contract within the purview of the Constitution, is what I undertake to prove.

There is still, however, another preliminary to be noticed before that position is taken up. Bank Charters, as I have shown, are apt to be confounded with all other charters. My view requires, not only that their kinds should be discriminated, but

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that their classification also should be somewhat better fixed than it is in the law books to which we must look for most of the published learning on this subject. We should guard against technical and professional impressions, for lawyers, like other men, are wedded to their peculiar reverence. They seldom define corporations accurately, and describe only two classes, viz: public, those created for municipal purposes, such as counties, cities, towns and boroughs; and private, such as insurance companies or others for merely private concerns. I submit that there are at least three classes, viz: first, private, such as an incorporated hotel, forge, quarry, or the like, of which I believe there are instances owned by individual members of this Convention; second, municipal, such as incorporated cities and places, which are public, though local; and third, political, such as share the sovereignty, among which I place banks, because they share the sovereignty by making the public currency, together with corporations allowed by law to partake of the sovereignty by controlling public highways, whether rivers or roads, and all other political corporations whatever. Professional learning surrenders what Judge Story rather oddly calls *strictly* public corporations, to legislative control. Consider, then, for a moment the reason of that law which surrenders the city of Philadelphia, for instance, with its complicated interests, debts, loans, innumerable contracts, plans, and future as well as present involvements, bye-laws, and all, to the regulation or repeal of an act of Assembly, while it deems the Charter of a Bank making the circulating medium or a State, perhaps for thirty States, beyond the reach of legislation. Does it stand to reason that the State may at any time destroy all the vested interests, and impair, if not destroy, the contracts, of a city, while it cannot prevent a bank from affecting all the property and all the contracts of the State, including the city, by a substitute for money? Is there any reason for constructive law that all the private interests, held under a city, are of political cognizance, but all the public power of a Bank is intangible private right? In the true definition or the philosophy of corporations, is a Bank less a public concern than a city? Mr. Hallam, in his Constitutional History of England, holds that corporate privileges may be revoked when it can be done without injuring private rights.

It is only for the advantage of the public, says Blackstone, that artificial existence is ever given by incorporation to natural persons. In the judgment of the Circuit Court of the United States for the New Jersey District, on the Camden and Amboy Railroad Company, Judge Baldwin was at a loss to determine whether that immense private sovereignty is a public or a private corporation, the true criterion being, he says, whether the objects, uses and purposes of the incorporation are for public convenience or private emolument, and whether the public can participate in them by right or only by permission. But so careful and accurate a lawyer as Judge Baldwin falls into a mistake in classing corporations,—public corporations being, he says, towns, cities, counties, parishes existing for public purposes; private corporations being for *Banks*, insurance, roads, canals, bridges, &c. For authority he cites 4 Wheat. 664; at which page of that book is to be found Chief Justice Marshall's classification of corporations, but with no mention of, or allusion to Banks for the introduction of which Judge Baldwin must have mistaken Judge Story for Marshall, and the profession might take from him as law what has no foundation in authority, though it may be published as judicial sentiment. Judge Story, I be-

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lieve, is the only Federal Judge who has ever ventured to say that a bank is a private corporation, in which he merely repeats what Mr. Webster said at the bar, no doubt without adverting to the distinction I am essaying. Even he has never so adjudged; but even in the sweep of those large and radical notions which he has broached, this is one of the unsupported sayings for which so respectable a judge may be quoted; to whom it is but justice to remark, that probably his attention never was directed to the difference between municipal and political corporations, both public, both in a measure partaking of the sovereignty, but the latter much more than the former. Judge Baldwin, when throwing banks into the diffinition of a private corporation, does not mean to put himself in conflict with a very able opinion pronounced by him and Judge Hopkinson, that "bank notes, payable to bearer, form the currency of the country, passing from hand to hand in all the pursuits of life, like coin, they circulate on their intrinsic or representative value by common consent. It is their being a currency and a substitute for coin that makes the difference between them and bills of exchange, promisory notes or checks on banks." The mints in which such currency is made would hardly be defined as private institutions, and Judge Baldwin will not so class them whenever his discriminating understanding applies itself to the subject as its novelty and importance deserve. I believe that when he looks beyond mere law-book definition to the enlargement I have attempted, of three instead of but two kinds of Charters, he will perceive that banks which are political, cannot be private, though not municipal corporations; and that it does not follow that a Charter falls within the class of private, because it is not municipal, the true criterion being, as Judge Baldwin explains, whether the objects, uses and purposes are for public convenience or private emolument.

Mr. Porter also relies on the published opinion of the present Chief Justice, while Attorney General of the United States, on the same Camden and Amboy Raidroad, that Charters for canals and railroads are contracts. That opinion made much sensation from its imputed denial of what, without reflection, are apt to be thought not only vested but sacred rights. Its argument against the power of legislatures to bind their successors in all cases is coincident with some of my views; and I feel no disposition to contradict Mr. Taney's acknowledgment, that private charters are vested rights not to be resumed or impaired. It is too well settled to be disputed, he says, yet the recency of federal adjudication and the conflicts of judicial opinions about it, warrant, I conceive, the propriety of reviewing and endeavoring to settle the whole subject. Without reference to other charters it is enough for my purpose that bank charters are not railroad or canal charters, much less merely private charters. The latter may be contracts without affecting my argument that the former are not. The subject of charters altogether, whether political, municipal, or private, has acquired vast importance. By the official documents on our table it appears that one hundred and sixty millions of property have been, within the last forty-five years, locked up, in Pennsylvania, in this modern mortmain corporation law, and therefore calls loudly for dispassionate American consideration to ascertain what it was in its first Roman state, what in its English, and what it ought to be in its American. Bank and other charters have become an estate in our realm. They are, in effect, perpetuated by renewals, often

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obtained long before the existing charter expires. Charters are sold by the Legislature. Bonuses and other lucrative considerations are taken for them, and a system of pernicious legislation has established the practice of members, at least individually, themselves, or their connexions and partisans, sharing in the gains. What may be called public or local corruption is openly and eagerly resorted to by members and others. No one deems it wrong to take and to give for his county or district, and jobbing in legislation is as common as in stocks. Exchanges of local advantages are the levers that move the whole commonwealth. To a certain extent this is unavoidable, and therefore not to be reprobated, however it may be regretted. But I look to two governmental means of, at any rate, checking and controlling their continuance, which, if incurable, must render American legislation as vicious as royal prerogative. Laws formally enacted will be no better than ordinances issued by monarchs from arbitrary councils, unless restraint be put on the mutual disposition of legislators and speculators to give and to gain undue advantages by favored, generally unworthy, individuals. The most common and most injurious of their contrivances is a charter, by which their designs are protected from personal liability to law. I will not dwell, now, on the flagrant vices of this modern canker of republican institutions. The governmental means of correction are: first, legislation—rendered the cure, as it is the cause, of the evil, by a free use of the reserved right of repealing bad grants of public privileges; and, secondly, which I hope to see the most effectual of all checks, impartial and independent administration of justice on corporations as on individuals. Such administration is now unknown in Pennsylvania, and generally throughout the United States. They are almost always stronger in funds and intelligence than individual opponents in courts of justice. They have the ablest counsel—very elements as they are considered of public improvement and prosperity. Belief in their superior utility and exaltation of their directors, such as we have heard from most of the gentlemen of the bar in this Convention, particularly Mr. Scott, Mr. Sergeant, Mr. Sill, Mr. Porter, and Mr. Merrill, make the atmosphere and the faith in which lawyers and judges live and thrive; and, without detraction from the integrity or even the independence of courts of justice, their adjudications, like those professional prepossessions, and the commentaries and compilations on the subject, from Chancellor Kent down to the humblest retainer, have become provisions of the common law, common equality and common right, to elevate and sustain the supposed benefactors and actual masters of the State. But I think their reign is drawing to a close, and that, beginning with public opinion, enforced by legislation, a great barrier against charter power will be completed by the courts as the most effectual restorer of individual right—right to be equal—yes, to be superior—to corporate privilege. Such is undoubtedly the common law and the civil law,—the reason, and as such it will come to be the learning, of all law administered. The charter of a man's rights is large and free, and to be always liberally construed. Charters of incorporated men are derogations from man's equal rights, to be restrained to the letter of the grant. Such are law and reason, and so to be enforced. The Supreme Court of the United States has set an example which no doubt will be generally followed. Let any lawyer look into his English authorities, and he will be satisfied that chartered and combined men are not favored by the common law of England or

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by the judges who have administered it. If that truly great magistrate, the late Chief Justice of the United States, could resume his place, in the meridian of his superior faculties, he would be as forward as his distinguished successor to maintain those obvious limitations of corporate power which all the philosophy of law inculcates, and which, indeed, are the adjudged doctrine of the Supreme Court of the United States at all times. Arbitrary English monarchs and subservient judges violated law to destroy charters; but its principles are, nevertheless, well settled there. In this country, courts of justice, influenced by overshadowing circumstances, have suffered individual and public interests to be subjugated by chartered associations. But they will return, with chastened public opinion, to those unquestionable standards of right and law which the Roman code, and the English, teach, and which, ever since Trajan's well known letter to Pliny, prescribe the regulation that whatever a body of men got by charter s to be restrained, as the French say, *au pied de la lettre*, to the very foot of the letter. Numberless abuses now unconsciously common with corporations are illegal, and must be so decreed. It is instructive to recur to Hamilton's defence of corporate power: "a strange fallacy seems to have crept into the manner of thinking and reasoning upon the subject," said he; "imagination appears to have been unusually busy concerning it. An incorporation seems to have been regarded as some great independent substantive thing; as a political engine, and of peculiar magnitude and moment; whereas it is truly to be considered a quality, capacity, or means to an end." We have lived to feel corporations—all that he treated as absurd creations of imagination—great independent substantive things, political engines of peculiar magnitude and moment. And it is as curious as it is instructive, that what Jefferson foretold and Hamilton treated as preposterous, is the reality of our present government by corporate supremacy. The enactment of laws, their administration by courts of justice, and their execution by chief magistrates, are all controlled by these great independent substantive things, polititical engines of peculiar magnitude and moment, which at this moment absolutely govern this commonwealth and this union of commonwealths with more sway than even its legitimate institutions. Emancipation from this sway cannot be effected at once. But it is coming—coming by law, by law to be enacted, and by law to be administered, by restoring to the sovereignty what no sovereignty, whether single or popular, can do without power, viz. to control the passions and machinations of men combined to usurp it—more necessary than power to control individual passions.

I cannot leave this part of my subject without remarking, that those eminent lawyers whom we see the champions of charter usurpations are as blind to their professional interests as they are deaf to the voice of good fame. Fortune—nay fame—must be theirs who devote their talents to rescue and vindicate individuals from charter supremacy. The courts, the legislature and the community must eventually concur to overthrow an usurpation so contrary to all republican institutions, and modern tendencies that it cannot endure; and the legal profession will be great losers in fortune and in character, if they do not join to support the principles of law against the practices of innovators on it.

State incorporated banks are a novelty wholly unforseen by the constitutions; a vast fungus grown upon government, upon property, upon liberty and equality, by

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which the common welfare is thoroughly affected, and the currency, more than two-thirds of it, engrossed. Never before, in the annals of jurisprudence, has such a great public interest been withdrawn from the power of legislation to be regulated as exclusive matter of mere common law. The power to make currency is a sovereign power. Even granting that a State may form or depute such authority, it must have, it cannot alienate, the right to regulate and control it. The legislative power, says Rutherforth, in his Institutes of Natural Law, implies a power not only of making laws, but of altering and repealing them. As the circumstances either of the State itself or of the several individuals which compose it, are changed, such claims and such duties, as might once be beneficial, may become useless, burdensome, or even hurtful. If, therefore, the legislative power could not change the rules which it prescribes, so as to suit them to the circumstances of the body politic, and of the members of that body, it could not answer the purposes for which it was established; it could not at all times settle their claims and their duties in such a manner as is most conducive to the good of the whole, and of the several individuals which make up that whole. With this fundamental doctrine of English legislation our own agrees. The principle, in the English Constitution, that the Parliament is omnipotent, does not prevail in the United States, says Chancellor Kent, in his instructive commentaries, though, if there be no constitutional objection to a statute, it is with us as absolutely uncontrollable as laws flowing from sovereign power, under any other form of government. But in this, and in all other countries where there is a written constitution, designating the powers and duties of the legislative, as well as of the other departments of the government, an act of the legislature may be void as against the constitution. No law will or can be drawn in question without appeal to constitutional interdict: an act repealing, is as valid as an act granting, a charter. The power of Parliament to abolish laws establishing vested rights has been exercised in numerous instances, from the repeal of the mortmain rights till now, when the whole vested interests in tithes and other church property are, as well as numerous corporations, undergoing Parliamentary revocation. Pennsylvania has repeatedly, and in signal instances, exercised the same legislative power. I shall mention only those of—first, the Proprietaries' Property; second, the College or University of Pennsylvania; third, the Bank of North America, and fourth, the Wrightsville, York, and Gettysburg Railroad. Of the first and last I must say something specially. It will be borne in mind that I am not treating the *power*, but the *policy*, of legislation to repeal laws granting vested rights. That power I assert, over all public or political acts. When and whether it ought to be exercised, is not to be confounded, as a question of policy, with the right to exercise it at all times. By the newspaper reports of what Mr. Meredith said on this subject, he states that what he called vested rights are held by stronger obligations than written law—by those bonds of conscientious acknowledgment which are in every breast the monitors of honesty and integrity. If he did say so, the whole course of English legislation and of the adjudications of the Supreme Court of the United States contradicts his assertion, and manifests that what are commonly called vested rights, like others, if connected with public interests, are always liable to public control. If, therefore, that gentleman intended, by such argument, to give any countenance to the vulgar impeachment, continually repeated by interested men,

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that those who would relieve the State from the burthen of their privileges are enemies to property and wrong-doers, he impeached all the reforms of good government and many of its judicial supports. The doctrine of this Commonwealth, in the preamble to the act of '79, for resuming the estates of the late Proprietaries of Pennsylvania, is: "Whereas the claims of the late Proprietary, by the charter, cannot longer consist with the safety, liberty and happiness of the good people of this Commonwealth, and the safety and happiness of the people is the fundamental law of society, and it has been the practice and usage of States, most celebrated for freedom and wisdom, to control and abolish all claims of power and interest inconsistent with their safety and welfare, and it being the right and duty of the representatives of the people to assume the direction and management of such interest and property as belongs to the commonwealth, or was designed for their advantage: be it therefore enacted, that all and every the estate, right, title, interest, property, claim, and demand of the heirs and devisees, grantees or others claiming as Proprietaries of Pennsylvania, whereof they or either of them stood seized, or to which they or any of them were entitled, or which to them were decreed to belong, in or to the soil and land of the said late Province, now State, of Pennsylvania, or any part thereof, together with all granted by the charter, shall be, and are hereby, vested in the Commonwealth of Pennsylvania, for the use and benefit of the citizens thereof, freed and discharged, and absolutely acquitted, exempted and indemnified of from and against the estate, right and title of the Proprietaries, and subjected to such disposal, alienation, conveyance, division and appropriation of this or any future legislature of this Commonwealth." The same legislature, by the same transcendant authority, fixing, without umpirage or other intervention, the sum of money to be bestowed on the Proprietaries, as indemnity, takes care to declare, that it is given from liberality and grateful recollection of the enterprising spirit which distinguished the founders of Pennsylvania. The lands, rents, property and possessions are all taken from individuals to whom they belonged, and are vested in the people of the State. The right thus to divest is put on the ground of State necessity. No right in the divested party is acknowledged to conflict with the right of the State. What is allowed is *ex gratia*. The legislature gives what it thinks proper. Nor is it privilege or corporate immunity that is taken away, but private property—property which the State did not grant originally or ever own at all. In the same year the legislature enacted the law to amend and alter the charter of the College, *conformably to the Revolution and to the constitution and government of this Commonwealth*, alleging, as a reason for such act, that the trustees had departed, by a bye-law concerning religion, from the plan of the original founders, and narrowed the foundation of the said institution. Having explained, in a public letter, the grounds of the legislative repeal of the charter of the Bank of North America, I shall not here review that revocation of what is called vested right, and I reserve the remarkable instance of the Wrightsville, York and Gettysburg Railroad for the distinct consideration I mean to give hereafter to that signal illustration of the right of a State to qualify its grant or contract. It is a recent instance going much further than I can approve. One of the most clamorous in theoretical vindication of vested rights carried into execution on that occasion much more than the power I contend for.

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Several of the members of the legislature condescended to ask my opinion on this subject, in compliance with whose request I endeavoured to explain, by a letter published in November, 1836, the difference between property and privilege—the alleged right in corporate exemption from personal responsibility, distinguished from vested right in individual ownership of any kind of property. The views of Smilie, Findley, and other eminent legislators of Pennsylvania, the fathers of republicanism, were cited for the plain distinction between a legislature's taking away the gold and silver, notes and other property of the stockholders of a bank, and taking away their corporate franchises. A charter is not property, was their argument, but a permit to sue and be sued, in a particular way, which, if it prove a public injury, the public may take back without affecting any vested right of property. A legislature, repealing a bank charter, leaves all the property of the bank untouched to the stockholders, and takes from them nothing but their corporate franchise, which consists in permission to sue and be sued impersonally—to be exempt, personally, from all liability of suit—and in succession, without limitation of time, while the charter lasts. The difference between such franchises, and the right conferred by the Commonwealth by a patent for land or in ownership of the house or chattel of an individual, was demonstrated, as must be manifest; although there still, and always will, remain disingenuous and weak defenders of corporate privilege to assert the contrary and insist on its identity with property. Strictures, published by a citizen of Maryland, on that letter, enable me to reinforce it. I was principally induced to publish by apprehension that clamorous denunciation of Mr. Dallas' letter, and the artful abuse of it by speculating champions of what they vociferously vindicate as vested rights, had succeeded in impressing the public with prejudices against the true doctrine of property. My object is the protection of property from artificial and disguised depredation upon it by unequal privileges, and the preservation of public sovereignty also inviolate. The author of the Maryland strictures falls into the common mistake of confounding all charters, for colleges, manufactories, hospitals, roads, canals, bridges, insurance offices and banks; he herds them all together in utter confusion, with the conclusion which, from such confused premises, may perhaps be got at, that the most inviolable contract of all is a bank charter. My letter expressly distinguishes private from public corporations; my argument rests on that position, and it is strange how a reply to it should "take for granted that I consider my theory of the property of a corporation applicable to every kind, whether bank or bridge, canal or college." My view, throughout, is just the reverse; and such remarkable misconception of it is as unaccountable, as that of a Maryland lawyer not noticing at all the judgment of the Supreme Court condemning Maryland and Ohio laws taxing the Bank of the United States, when I cite the cases, and quote the very language of Chief Justice Marshall, and the very judgment of the court, that the bank was a public and not a private corporation. He also misunderstands the distinction between the ancient charters of freedom, and modern, particularly American, charters of personal privilege. Those of the middle ages conferred, he thinks, monopolies because they granted peculiar privileges to be free from common restraints, such as exclusive right to carry on particular branches of trade, or certain manufactures or handicrafts; exemption from taxes or services required of the rest of a community,

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and from personal service in war. These, which I quoted Mr. Findley and Mr. Smilie for deeming sacred, the author of the strictures says are now the only privileges which are not so. We have changed all that, says he, flippantly, since the Dartmouth College case, and the legislatures have a right to cut and carve as they please what your forefathers of republicanism held sacred. The revolutionary effect of the Dartmouth College case is not equal to this gentleman's apprehension of it; the very issue between us is, that I deny the power which he concedes, without reserve, to American legislatures, to cut and carve either public rights or private property as they please. Their pleasure is no right. They have no right to give to individuals what is common property; and they are too apt, under the guidance of off-hand violaters of social and political right, to misconceive altogether what private property is—the real and legitimate meaning, use, and appropriation of property. I hold the right of property sacred, coeval and coeternal with the social state, if it did not precede it; and the artificial contrivances, by legislation, to change its tenure to the advantage of one and the disadvantage of another, or of one class to the disadvantage of another, is doubtful, if not false assumption of legislative right. Monopolies, perpetuities, castes and titles of nobility, will not be contended for by any American. Privileges to levy imposts and duties, not for public ends, but particular emolument, or to administer justice according to regulations peculiar to a few beneficiaries, are conceded by the Maryland gentleman himself, while he considers it even comic to discriminate between the right, by American institutions, for all men, according to every bill of rights, to be equal in the means of acquiring, possessing and transmitting property, and the arbitrary permission of old times, by special leave, to a few freedmen to follow what livelihood they liked. In his theory it is a sacred contract for a few men incorporated to make currency for the public, which no State can interfere with, when granted by charter, because such privilege is the property of the corporators. But the right of any number of men, incorporated in a town, to follow such callings as they prefer, may be cut and carved as legislators please. I feel too much reverence for the sacred right of property to cut and carve thus. Industry is property. A man's earning, by labor, is property as sacred as his profits from bank stock. The social edifice stands entirely on the basis of property. To protect property from false and unequal privileges—privileges to hold it exempt from exposure to the common liabilities of property—to protect property from all infringements is what I contend for. This gentleman, who cannot comprehend, but confounds, the striking difference between charters of old and recent corporations, likewise loses himself among the metaphysics of monopolies, and will not perceive whothe charter of a bank is derogatory to common right. By turning his attention to the plain matter of fact, that formerly freedom was a privilege, whereas now privilege, by charter to some, inflicts unjust inequality on others—that to be exempt, in stock, from personal suit is above equality with the rest of your fellow-citizens—perhaps the citizen of Maryland may discover, that equality, which was a privilege of old, is now the common right derogated from by charter. Freedom is no longer a privilege, but common right. He might have learned from Burke, in the very speech he quotes, that the *great* charters, as Burke calls them, (the old) *restrained* power, while modern charters *create* it. Not only so, but power, by *privilege*, which, since the American Bill of Rights became part of all

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constitutions, is contrary to common right. The distinction between ancient and modern charters thus appears, together with the derogation from common right which a modern charter vouchsafes, to the prejudice of all those who are not privileged by charter. It was the boast of Napoleon that he established equality, without which his encomiasts insisted that liberty cannot be. Liberty reigns in this country to a degree he could hardly conceive of; but equality in the acquisition, disposal and transmission of property is becoming extinct by laws more destructive to property than the most radical or agrarian enemies to its tenures, if there are any, can desire. With persons perfectly free, our property is much of it held by unequal titles more unjust than the rules of primogeniture and entails. The same lively citizen of Maryland insists that if, by privilege, I mean that attribute or quality by which any corporation performs its proper functions, and he supposes I can mean nothing else, then he entirely denies any shadow of right in a legislature to destroy it, for it is as much property as money in the vault. The corporate franchise, quality or privilege is a right—a vested right—says this sarcastic advocate, in the phrase of the forefathers of republicanism, and, according to the meaning of that phrase, a sacred right—it is property, to all intents, within the protection of the law. He then recapitulates, carefully, all corporate franchises except that particular one which I especially denounce as unjust privilege, held by no vested right, viz: exemption from personal responsibility for corporate property, and triumphantly closes his strictures by saying: "I will not discuss, further, whether a charter is a contract—I think it beyond discussion—but I will pause to inquire how it comes to pass that you should assume a doubt that a bank charter is not a contract." He had not discussed it at all: it was beyond his discussion: and when he pauses to inquire how it came to pass that I doubt why a bank charter is not a contract, his whole force, never noticing the two solemn judgments of the Supreme Court of the United States, that banks are public institutions, consists of a citation of one of Judge Story's solitary dicta, in his favorite Dartmouth College case, that a bank is a private corporation, emblazoned in italics, capitals and all the brilliancy of the art of printing. This candid antagonist, contemning the whole inventory of my propositions, by an eastern figure, as without even an islet of orthodoxy, (also duly italicised,) in a waste of heresy and schism, evidently did not choose to confront the radical differences between public and private charters; between charters of personal freedom and charters of corporate property, or between the corporate franchise of suit and the privilege of personal exemption from suit at all for incorporated property. Such strictures do not even approach the question, but expend themselves in tropes on mistaken premises. Property is a right, vested in an individual, which legislation cannot take away, for another individual, nor for public use, without equivalent. In this country the means of acquiring, holding and transmitting property are equal to all; monopolies and perpetuities are illegal, so are privileges. When, thererefore, legislation renders these measures unequal, by incorporating individuals exempt from common liabilities, it violates the first principle of equality in property. And when it does so by authorizing privileged individuals, as a bank, to make currency, it moreover grants what belongs to the public. Should the public resume that privilege without taking the chattels of the bank, it affects no property, impairs no

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contract, infringes no right, but it resumes a privilege merely, in derogation common right, the grant of which is of questionable power, the resumption of which, if politic, is unquestionably authorized.

My Maryland antagonist is especially offended at my having said, that *perhaps*, in rescinding a bank charter, the bonus, if any paid for it, should be restored; which poor *perhaps* he denounces, as a wretched casuist, borne down by the load of sin I have heaped upon his shoulders, and vainly endeavouring to look with an honest face upon the crowd of astonished and indignant contemners of his shabby office; tropes and metaphors more figurative than argumentative. In plain English, how stands reason and the argument on this, which by the much abused *perhaps* I acknowledge debateable, ground? Governor Ritner's late message, has relieved me from much of the argument, since he condemns the impolicy of bank bonuses—which proposition I have long contended for,—till latterly, I confess, with out much countenance. The Maryland philippic supposes the question settled, by the magnitude of this price of privilege! The value of the right, which I think (he says) too insignificant to be called property, and too unsubstantial to be entitled to the protection of courts, is, according to his reckoning, nearly six millions of dollars; which in his estimate is overwhelmingly conclusive that it is not only property, but a great deal of it; and a great deal of property he concludes, must be held by some right. It is not because the price was insignificant or unsubstantial, that I doubted the claim of a bank bonus to reimbursement. But I will meet my metaphysical assailant on his own ground. Political economy admonishes even the Governor himself, that for the State of Pennsylvania to part with a large portion of its sovereign power to a few incorporated individuals, in exchange for some of their credit given in return, is a very poor exchange for the State, a bad bargain by which it actually gets nothing, and gives a great deal—what perhaps it cannot part with at all. The six millions which our Maryland arithmetician reckons so large a price and value, cost the bank but a few dollars worth of paper and lampblack, impressed with the counterfeit seignorage of bank credit, for which paltry thing the State gave the entire and perfect chrysolite of its sovereignty. It is high time, that the whole community should appreciate the preposterous and pernicious delusion of a State exchanging its credit for that of forty or fifty of its citizens, chartered to substitute their credit for money. So much in brief, for the political economy of the bonus doctrine. But this is not all: there is moreover, a problem of finance to be solved. In all my views of this subject, I have studied to keep clear of those personifications and appeals that excite passion and disturb judgment. My aim is to treat fairly a high constitutional and fundamental topic; not to shew that the only bank in Pennsylvania whose charter is not revocable in its tenure, ought to be revoked. That I leave to others, if so inclined. I have never denied that some large State banking institution, to take the place of the Bank of the United States, may have been judicious, and even necessary, in the habits of he community; as I have always believed that the Bank of the United States might, and would be so now, but for what, with deference to other judgments, I thought injudicious means of obtaining a recharter. But I have abundant materials carefully constructed of simple arithmetic and unanswerable proof, that the finances of Pennsylvania are large sufferers by the ignorance of the short-sighted donors of

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what was exchanged for the six millions, said to have been got in a bonus. Granting, as I now do, for the argument, that the six millions were paid in money, and not in depreciated credit, it is still perfectly demonstrable, that the bonus costs the State much more than it has or can come to. As I mean to dwell on this demonstration, I will not do more than simply lay down the proposition, that what the Bank of the United States gave the State, and is to give, for a charter, (counting the bonus in good money) is nevertheless no gain, but a large loss to the State, by the vast increase of expenditure and debt, that bonus opened. It was Pandora's box for Pennsylvania. Thirdly, it was not however either the economical or the arithmetical view of the subject that induced my *perhaps* against the bonus, but the plain and positive law of the matter. I doubt the *contract* obligation. A bonus is a sort of fee or gift like a lawyer's, bestowed arbitrarily for a service of inappreciable value not reducible to computation, not a price to be the subject of a legal demand, but a donation neither demandable nor recoverable by law. Once given, it cannot be reclaimed. It rests with the donee in mere honor and policy, whether to take it all, or to restore it altogether or in part, on a change of circumstances, as it rested with the donor whether to give it. I question the legislative right to sell a charter or any other advantage. Kings have sold titles of nobility—I know of no authority by which an American legislature can sell a bank charter for a bonus. The pernicious impolicy of the system has become continually more flagrant. Formerly internal improvements and even churches were constructed by lottery grants by legislation. But the practice has ceased with universal reprobation; as the corrupt and costly schemes of bank bonuses soon will. A State, like an individual, should preserve its faith inviolate, and make sacrifices of money rather than lose credit and character: and in repealing a bank charter the highest obligation of State honor and policy enjoin punctilious fulfilment of all their mere expectations. But it is no contract or engagement of which the obligation may be impaired, or which courts of justice can enforce. It is altogether matter of sound policy resting in the discretion, wisdom, and virtue of legislators, who are to bear in mind that it is not their own but public money, with which they reimburse, if they do, a bonus improvidently, or perhaps fraudently, taken by unwise predecessors.

Thus, whether we consider economy, arithmetic, or law, *perhaps* with an honest face looks from their tripod, on his assailant dismounted and thrown on a mere islet of mistake, with only his Iliad of shabby strictures to hide among, *quo cunque nomine gaudeat.*

The citizen of Maryland agrees that the grant of a corporate franchise implies the deliberate assent of the Legislature to the wisdom and sound policy of the grant. "A Legislature has no right—I speak in a moral sense—to pass any act but for the benefit of the country. It must be presumed, therefore, in all cases, that sufficient political inducements—some clear conviction of public advantage resulting from the act—to determine the Legislature to make the grant." Now this presumption of political inducement is seldom true even as a presumption, and public advantage hardly used as a pretext, the avowed object being individual exemption from common liability.

I am beholden to the Maryland strictures for also adopting my classification of

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charters and reasons for it. "Charters to cities and towns," he says, "are purely political corporations, and do not include the idea of contract. The parties on both sides are the public, in these corporations; and being erected solely for the better administration of government, they are at all times subject to the modification at the will of the supreme authority." But according to his own presumption, that political inducements and public advantages are indispensable to the legislative right or power to grant charters, coupled with the fact that banks make most of the public currency, and regulate the value of all labor and the price of all property, it is clear that they are political institutions. The party receiving the charter acts for the public, as much as the party granting it. The mixture of some private interest and gain does not change this state of things, because the public interest predominates, and it is a universal principle of all politics and all jurisprudence, that whenever public and private interests are blended, the public are paramount.

The whole question lies in a very narrow compass—in one word: and be it remembered that the burthen of proof does not rest on me. It is for the citizen of Maryland to shew, if he or his like can, that bank charters are private contracts, or bank bonuses public gains. I deny the one and question the other; but the burthen of demonstration does not rest on me. By no means,—those who affirm that bank charters are constitutional contracts, are to shew it. They are to demonstrate what, however taken for granted, has never yet been adjudicated, or hardly assumed by any court, and contradicts the whole impression of English, American and common understanding. Not only so, but all doubt, even doubt, resolves itself into decision, against those who would condemn a law as contrary to the supreme law of the Constitution of the United States. Judges, particularly Chase, Marshall, Washington, Tilghman and Shippen, have expressed themselves most pointedly to this effect. Jurisdiction to annul laws is an awful power, said Judge Iredell. Judge Chase said if he *ever* exercised it, he would not decide any law to be void, but in a very clear case. I believe that he meant such an indubitable error, as would induce even an English judge to declare even an act of Parliament void. But grant that he did not, and conceding without grudging the judicial power to annul laws as unconstitutional, it is yielded by all judges that such an extremity requires a case of the clearest necessity. After strongly asserting the duty of a judge to declare an act of Assembly void, when convinced beyond doubt that it was passed in violation of the Constitution of the United States, or the State, Tilghman adds, that, nevertheless, the utmost deference is due to the opinion of the legislature, so great indeed, that a judge would be unpardonable, who in a doubtful case, should declare a law to be void.

With such judicial authority, I hold my position firmly, that if it be doubtful, whether bank charters are constitutional contracts, they are not such contracts, simply because to doubt, is to be resolved.

Thus with the four legislative precedents I have mentioned, the Proprietaries, the University, the Bank of North America, and the Gettysburg road, of repeal of laws granting vested rights, I may assume that the power and the practice of the Legislature of Pennsylvania are unquestionable, from first to last, to revoke grants by law, to divest vested rights, whenever public necessity requires it, and that it has never deemed it unjust to consult great public interests on principles of large

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and judicious policy. Unless the Constitutions of the State and the United States forbid such legislation, as impairing contract, there is no interdict upon it.

Thus having shewn unquestionably, that the judicial power to declare laws void as contrary to constitutions, is an extreme jurisdiction, never to be exercised but in very clear cases, I now cast on those asserting it, the burthen of affirming that the charter of a bank is a contract within the meaning of that term as used in our constitutions. It cannot be done. Affirming the negative, I shall now take up the burthen of proof without dwelling on the difference between the Constitution of the United States, which adds the vexed word *obligation*, to that of *contract*, as used in the Constitution of Pennsylvania. We know how lamentably the Supreme Court of the United States were divided and exercised by this apparently slight difference of a mere word. But I shall attempt no advantage from it, although the omission of the word *obligation* in our Constitution, makes for my argument, I am content to do without it. The fact is, and it is a strong fact, that the courts of Pennsylvania have never adjudged any law of Pennsylvania to be contrary to the Constitution of Pennsylvania, (for the case of the Ebensburg road, in the 2d volume of the Pennsylvania Reports, forms no exception;) nor has the Supreme Court of the United States ever adjudged an act of Congress to be contrary to the Constitution of the United States. In Pennsylvania I stand upon a rock. Not only has neither legislation nor adjudication ever deemed a law a contract; but further, the judgment of no court of this State sanctions the assumption that a law can be judicially annulled, as impairing some other law importing a contract within the Constitution. These are persuasive premises. The courts of justice of our own State, by at least significant silence and inaction, are abettors, while its Legislature by repeated and unquestionable acts, has always exercised the power I assert, and much greater power than I assert, over what are called vested rights.

Going beyond the confines of mere professional impression, founded on no authority, let us inquire of philosophy, of the best foreign sources of information, of common parlance and common sense—whether a law is a contract? Was it ever so considered? Do they think so in England? in France? at present? did antiquity? What reason has Judge Story, or any other bold asserter of such a novelty, for venturing to say so? Why is a charter a contract? Without regard to the sovereignty it shares, why is a bank charter, why is any law, held a contract with the State, subject to judicial control? Why is the great power of a community exercised in the enactment of a law, to be reduced to the level of a private agreement, and construed, regulated, or annulled accordingly? Blackstone, to whom I prefer referring, because from a random word or two of his, in a parenthesis, Chief Justice Marshall was prevailed on by Judge Story to infer all this immense result, defines law to be something *prescribed*, and prescribed by a *superior*, which *commands*, and mostly with *penal* sanction, what is to be done or not done. There is no contract in this, no equality, no consideration, no agreement, such as Blackstone defines a contract. All his instances of contracts, obviously contemplate individuals; he mentions A and B, as the parties to a contract. He has no idea of an act of state. It is palpable, that a law is not in his mind at all. In both his definitions, that of a law and that of a contract, he shews beyond doubt, that he considers the one a public and sovereign act, the other an in-

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dividual transaction. To the same effect, may Rutherforth be cited. "A law," he says, "is a rule to which men are obliged to make their moral actions conformable." And "such acts of mankind as produce a mutual obligation, and consequently, a mutual claim on the parties concerned on both sides, are contracts." Again, he adds, "when we consider only the general notion of a law, there appears to be a plain difference between positive laws and compacts. A compact is an act of two or more persons, which produces an obligation upon those who make themselves parties to it, by their own immediate or direct consent. A law is an act of a superior, which obliges all, who are under his authority, as far as they are concerned in the matter of the law, and as far as the legislator has intended to oblige them; whether they immediately and directly consent or not." These doctrines from indisputable authorities cannot be gainsaid. Even Marshall himself, in the very ratiocination of deducing a law to be a contract, by means of an innocent word in Blackstone, cannot help saying that *one* of the *parties* to the contract he constructs from a law, were individuals whom he names—James Gunn and others. The civil code of the State of Louisiana drawn with great care and precision, with reference to the best authorities, defines law to be a solemn declaration of legislative will. Law commands, permits, forbids, announces rewards and punishments, makes general dispositions not for particular instances, but for what is of common occurrence. A law prescribes for the future only, can have no retrospective operation, nor impair the obligation of contracts.

This definition of law, referring, among other authorities, to the judgment of the Supreme Court of the United States, evidently contemplates private contracts between individual parties, and excludes, both in its terms and spirit, all idea of an act of a State, or law itself, thus defined, being a contract.

To Madison's explanation in the Federalist, and Luther Martin's and others, for which I beg leave to refer to my letter of 1836, all proving that the constitutional prohibition applies to private contracts, between man and man, and not to laws, or what have been construed to be contracts between States and men, let me here add, Judge Story's note to the 33d chapter, page 217, of the 3d Volume of his Commentaries on the Constitution, which is as follows:

"In the original draft of the Constitution, some of the prohibitory clauses were not inserted; and particularly, the last clause, prohibiting a State to pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts. The former part was inserted by a vote of seven States against three. The latter was inserted in the revised draft of the Constitution, and adopted, at the close of the Convention, whether with, or without opposition, does not appear. It was probably suggested by the clause in the Ordinance of 1787, (Art. 2,) which declared 'that no law ought to be made, &c. that shall interfere with, or affect *private* contracts or engagements, bona fide, and without fraud, previously formed,.' " By this note, Judge Story would seem to agree to the original design of the clause, its *meaning* as contradistinguishable from the *construction* he has since been mainly instrumental in putting on it.

An intelligent foreigner, M. de Tocqueville, says of this clause in the Constitution, this power appears to me to attack more deeply than all the rest, the sovereignty of the States. I put the question to a respectable Italian lawyer now in

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this country, whether a law can be deemed a contract, to which he at once replied in the negative. A contract without individual parties to it, is not a common idea. A State contracting is an unusual thing: and a State contracting by general law, having none of the ordinary features of a contract, is, I believe, what was seldom if ever thought of, till a law of Georgia was so considered by Marshall, on the suggestion of Mr. Story, under peculiar circumstances which I shall endeavour to explain.

Legislative precedent, judicial authority, and the reason of all mankind, concur, while we keep ourselves within a State, to refute the notion that a law is a contract, much less a bank charter created by law. Are we bound to look beyond, as Chancellor Kent said in Fulton's case, to inquire further, to go out of our own State, our own legislation, our own jurisprudence, and to rake among the embers of a supposed Federal interdict for the apprehension that a different government, that the judiciary of the United States may annul a law of this State, which by our State authority rightfully repeals a bank charter? There is no adjudication of the United States to alarm or warn us. The federal judiciary has never adjudged that a bank charter is a contract—has never adjudged any thing like it. There is no analogous or kindred judgment of that judiciary. On the contrary, there are two solemn and deliberate judgments of the Supreme Court of the United States, that bank charters are public laws, that banks are political institutions. Laws of Maryland and Ohio taxing the Bank of the United States, were vacated by the Supreme Court on the ground that it was not a private, but a public corporation. In the last mentioned case, Chief Justice Marshall's language is, that the bank is not a private corporation, but a public corporation created for public and national purposes; that it is not an individual or company, having no political connexion with government and carrying on the private business of banking. Even if the Chief Justice had not said so, the judgment of the Court rests entirely on that ground. Its acts speaks more conclusively than any words.

There is other and stronger authority to the same effect; stonger than even that of the Supreme Court. Hamilton's defence of the constitutionality of the Bank vindicates it as a political machine, and the whole argument of this originator of the first great bank, is, that it was a public measure. "The simplest and most precise idea of a bank," he says, "is a deposit of coin or other property, as a fund for circulating a credit upon it, which is to answer the purpose of money." Privat-interests and direction are involved and employed, as the best means of accomplishing this public end. "It is a medium of exchange, a regulation of trade, and a general object," he says, "because itsbills are to circulate in all the revenues of the country." He appeals to the practice of other nations for asserting that banks are an usual engine in the administration of national finances, and an ordinary, and the msot effectual instrument of public loans. So Burke, on the East India bill, said, if the Bank of England should by mismanagement fall into a state similar to that of the East India company; if it should be oppressed with demands it could not answer, engagements which it could not perform, and with bills for which it could not procure payment; no charter would protect the mismanagement from correction, and such public grievances from redress. If the City of London had the means and will of destroying an empire, and of cruelly oppressing and tyrannizing

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over millions of men as good as themselves, the charter of the City of London would prove no sanction to such tyranny and oppression. (These acts of mismanagement are precisely such as are now objected to our banks.) Thus Marshall's authority and that of the Supreme Court, is confirmed by Hamilton and Burke, that banks are political contrivances, and not private concerns, to which may be superadded the practice and understanding of every American State in all branches of government, with the full approbation of the community, that bank privileges are subject at all times to such changes as the State may make in them.

An uninterrupted current of Judicial, Executive, and Legislative determinations, by which States have taxed banks, reduced their paper and increased their coin circulation, as public welfare required, together with the enactment and enforcement of other fundamental changes, never supposed to impair the obligations of their charters as contracts, prove beyond refutal, that banks have always been universally deemed political means, not private property, and that legislation may regulate them from time to time as occasion requires. The Governor's late message recommends radical alterations, more sweeping than I consider expedient, but to the power of whose enactment no objection has been raised.

Mr. Sergeant, Mr. Hopkinson, and Mr. Forward, justify the palpable breach of the letter of the law in the non-payment of coin, by asserting the right of thebanks to judge whether it best comports with the public welfare. And how can they judge but as part of the government authorized to determine what is good for the community? All the Governor's suggestions assume that the banks are part of the State, to be regulated as such. The Bank of the United States is now the very State and Government itself. All States, acccording to the varying emergencies of bank agency with currency, always act on this ground. Several of the States, Massachusetts and Kentucky for instances, repealed bank charters by legislative action without judicial proceeding. In the debate of our Legislature on the repeal of the charter of the Bank of North America, the right of legislative repeal, without conviction of any offence or judicial agency was expressly insisted on. The professional notion that a court of justice is an indispensable agent in annulling a bank charter is merely professional, and wholly unfounded in either law or reason. It is one of the many spurious offspring of that professional paternity which in this country beyond all others is extremely prolific of technical dogmas. A legislature may and must be the revoking power when the bank has not forfeited its charter by misbehaviour, but the public good requires its revocation. A misbehaving bank may be tried for misbehaviour, and punished by forfeiture, in a court of justice. But a bank injurious to the commonwealth from any cause not proceeding from mismanagement or misconduct, falls within the power of legislative repeal alone. A court of justice has no judicial faculty of judging whether the bank is detrimental to the community; no cognizance of the case. The community itself must judge of that, and execute its judgment by the popular representatives. Moreover, the Supreme Court of the United States have unanimously determined,—and their unanimous resolution of a constitutional question is a rare thing,—that the Legislature of Pennsylvania retains judicial faculties especially of equitable character, owing to that imperfect distribution of the several powers of government, which it has been my unsuccessful effort in this Convention to remedy by a distinct constitutional provi-

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tion. When incorporated persons violate charters, the courts may act on both persons and charters; but when charters are public injuries, legislation alone can apply the remedy to the charters; and it must be a mere question of state policy whether public good requires repeal. Power to charter is assumed by American legislatures as devolved on them through the Revolution from the royal prerogative of the mother country; and legal proceedings being necessary in England to repeal a royal grant of charters, the idea has naturally prevailed with lawyers in this country, that charters can be revoked here as in England, by judicial action only. But this mistakes both premises and conclusion. It is extremely doubtful whether American legislation derives from succession to royal prerogative the power to charter; and even if it does, that is no reason why the charter emanating from a legislature must be revoked by a court. Royal prerogative has no faculty of investigation with a view to repeal. It must act through the instrumentality of courts of justice, which are but emanations from the royal authority, not co-ordinate departments of government as with us. Nearly all our charters contain a clause reserving to the legislature, power to repeal them when public welfare requires. It is equally impracticable for a court to try questions of politics, and for legislatures to try forfeitures of private franchises. The technical notion that writs and courts are indispensable to repeal public charters, is in short only asserting that they are irrepealable but at the will of the bar; that legislatures, or the people, are not to be trusted with the exercise of this dangerous power; and that it is better administered by courts of justice is, however common a notion, not an argument I need combat. It is altogether contrary to the whole theory of American government, and, I believe, has proved extremely injurious in practice; one of those technical usurpations which it becomes us to throw off.

Distinguished lawyers and eminent judges have said, whose sayings published in law books, often pass for law, that laws are common contracts, that bank charters are such contracts, and that all charters are irrevocable but by judicial proceeding to forfeit them. Denying this, as to bank charters, but with unaffected respect, by professional reverence for those who have dictated it, I must treat it somewhat extensively, with all the freedom compatible with perfect deference for those whose mistake I shall strive to shew; one in particular, whose contributions to the literature of law, I consider more valuable than to its stability, and whose extravagance all tend to take power from the community, and place it with the judiciary, which I hold to be even more injurious to the usefulness of the judiciary than derogatory to the sovereignty of the people. The law of prerogative, of prize, the common English law,—which, by fiction of law, he has contributed to fasten on the French of Louisiana, while he would take it, together with jury trial, in maritime cases, from those of New England and the other States much attached to it, if not make it the common law of these United States altogether,—charter law, criminal law and constitutional law, the whole encyclopædia of jurisprudence has been so remodelled by this learned judge as to require dissent to his doctrines, from, if I am not mistaken, every judge on the bench with him. At his suggestion, Chief Justice Marshall, for the first time that such a thing was ever thought of, pronounced a law a common contract, when, indeed, there was much to induce some extraordinary

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of act judicial intervention, being one of those exigencies which may justify false judgment, or at any rate, false reasons for right judgment. It was a grant of land by a State to individuals by name, who sold it to third purchasers, so that it was actually irrevocable by subsequent law of that State, without manifest injustice. Judgment annulling such law is therefore right, and its only infirmity is that the judge in pronouncing it, gave a wrong reason for it. Soon after that bold judgment, Mr. Story was promoted to a seat in the court which gave it; and then, for the first time in the history of any jurisprudence, followed several other judgments, affirming and exaggerating that of Fletcher and Peck, to which I allude, unfortunately mistaking the argument of the Chief Justice, (suggested as it was by Mr. Story, as the law,) for the judgment of the Court. At length, nearly the whole Court was prevailed upon to carry the doctrine that laws may be judicially rescinded, as even common contracts, to the extent that a college charter is also a private contract; the fatal results of which untenable position, together with a sequel of similar judgments, soon betrayed themselves in the utmost uncertainty of the law, and irreconcileable contradiction among the judges. And when the principle, after these results, was attempted by the Harvard University to be again enforced, intolerable consequences had left no one advocate among the judges, but its author and perhaps another. The private contracts of individuals are of sacred obligation, and even grants of land by States to individuals, must be irrevocable. But Judge Story was early warned by a friend, always studious of his reputation, that judicial enactments sustaining as contracts ante-Revolution charters against reform by post-Revolution law, would never be practicable or tolerable judicature. My immediate purpose, however, does not need the denial of the New England College cases, rank as their growth was like to be, to choke the common harvests of State legislation. The Legislature of Pennsylvania in the act I have cited, resuming the Penn property, asserted the safety and happiness of the people as the fundamental law of society, and the practice and usage of States most celebrated for their freedom and wisdom, to control and abolish all claims of property and interest, inconsistent with their safety and welfare, and that it is the duty as well as the right of the representatives of the people, to assume the discretion and management of such interest and property as belongs to the commonwealth, or was designed for their advautage. The same Legislature reformed the charter of the University of Pennsylvania, that it might conform to the Revolution and the Constitution and Government of the Commonwealth. They acknowledge the right consecrated by the Constitution of every State of the American Union, for the people to change their government and reform it as they will, and when they will. It is reasonable if not indispensable, that the exercise of such power should follow a revolution, in order to conform governments to a new state of things. But in the instances of laws of many of the States of this Union, the Supreme Court, under Judge Story's suggestion of the contract character of laws, individual and charter laws, resolved that laws may be judicially repealed. I am not bound to demonstrate the error of this doctrine, except as to bank charters. After annihilating, first, legislative repeal of a private grant of land, and then reform of a College charter, as impairing the obligation of contracts, the Chief Justice, to the false reasoning of the first case, superadded in the second as a rule of general constitutional construction, that the rule once establish-

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ed, it is not enough to say that a particular case was not in the mind of the Convention, when the article was framed, concerning laws impairing the obligation of contracts, nor of the American people when it was adopted. We must go further, and say, that had the particular case been suggested, it would have been excluded by the language of the Constitution. The case being within the words, must be within the operation of the rule. This is going further indeed. The case in question, or any such case, is not within the words of the Constitution: but, by technical interpretation, finding one isolated word to bear a well known meaning, in questions of property, the rule laid down is, that in questions of politics, all idea of the intention of those using that word, and all historical recollection, are to be rejected, and from a single word thus perverted, judicial power is to be assumed which none but dictators and vanquishers have ever exercised—power to set aside established laws. The propagation of constructive law is remarkable. Mr. Story suggests at the bar, and judge Marshall takes the first step: Mr. Story, appointed a judge, naturally makes the most of his offspring, and Marshall patronises it in the cases within the words, because, he says, they then fall within the operation of the rule, inasmuch as, had they been suggested, it does not appear that they would have been excluded by the language. Judge Story some time afterward, publishing commentaries, declares it to be law, that it has not been thought any objection to this constructive assumption, that the preservation of charters and other corporate rights might not have been primarily, or even secondarily, within the contemplation of the framers of the Constitution, when the clause was introduced. Finally, Chancellor Kent extols both the rule and the reason as admirable safeguards of property. A written Constitution guards private contracts from vicious or inconsiderate legislation; so said the accredited commentary on that Constitution published with it by one of the principal framers—Madison. Twenty years afterwards, a judge adopts the suggestion of an ingenious lawyer, that a grant by law executed is a contract, and nine years after adds, that with the help of the further judicial rule having found such meaning in a word, it is immaterial whether a case falls within the meaning or not, so that it is covered by the word. The construction is thus carried from an individual grant to a charter trust. Judge Story then throws in bank charters to boot, among his illustrations of the omnipotent word; of course in his commentaries he repeats his own arguments and those of the judge who was prevailed on to adopt them, and they pass as law; they are obsequiously taken as such by most of a learned profession, and perhaps nothing but the inveterate vice of this doctrine, betraying itself forthwith in utter contradiction and confusion, prevents its being perpetuated as the supreme law; so that every law enacted by any State would be but a contract whenever a court thought so, to be rescinded at pleasure by those whose vocation is neither to make or break, but simply to interpret and enforce laws. There is an honest judicial exultation in Chancellor Kent's promulgation of this vast increase of judicial power that is quite edifying. It was in the great case of the Dartmouth College says he, that the inhibition upon the States to impair by law the obligations of contracts, received the most elaborate discussion and the most efficient constructive application: This decision did more than any single act proceeding from the authority of the United States, to throw an impregnable barrier around all rights and franchises derived

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from the grant of government, and give stability and inviolability to the literary, charitable, religious, and commercial institutions of our country!! Generous concession! by a learned judge, one of whose ablest and most elaborate vindications of State law in the case of the steam boat privilege, fell under the federal constructive supremacy he delights in;—just conclusion! if, as no doubt he believes sincerely, it is for public good that States should be but corporations, and corporations, States, under constructive reforms of a Federal Constitution of the United States, centralized by judicial action.

When a court constructs a judgment, says a late English analyser of legal judgment, it forms that judgment of certain materials which are law; which materials the court does not make; and so far the judgment is not creative of law. But the judgment is law, although the materials may be mistaken. An emulous expounder of American organic and political law, and a great admirer of English law, assumes power to annihilate statute law constructively, by reducing statutes to contracts, and augmenting the assumed power not by judgments but arguments, his own arguments at the bar, adopted it is true, but only as arguments, by another eminent judge, and propagated by commentaries. In a country consisting of thirty countries, with laws and opinions varying with various meridians and descents, such arbitrary, novel and single-minded opinions not originating with Legislatures or common sentiment, are uttered by judges to be accredited as the law of the whole land; by judges whose habitual exuberance of argumentative illustration (an affluence for which the late Chief Justice and Judge Story were conspicuous) renders it always necessary to distinguish the judgment of the court from the ratiocination of the judge, lest individual speculation be taken for adjudication. No statesmen, politicians, or partizans, have argued more contradictorily than the federal judges on questions of political law. Analysis of the Dartmouth College case for instance, gives the curious result of five of the seven judges concurring in the decree, but only three coinciding in opinion generally, and of those three, one of the most to be relied upon, differing in many important particulars from the other two; so that at most but two reasoned alike, and one ventured so far as to speak of bank charters as contracts; that one holding divorces, public salaries, and acts of limitation, to be all mere contracts within judicial abrogation. The first and best compilation of American constitutional law by Judge Sergeant, which is confined to adjudication without speculation, remarks the difference between judgment and argument, while in the commentaries of Story and Kent, one may trace the humble parentage, monstrous birth, and inordinate growth of judicial constructive prepotency. Power is assumed to judge laws, and avoid them as unconstitutional; laws are reduced to contracts by one word taken contrary to its meaning as used. This construction is protested against by part of the court and forms no part of its judgment, being the mere argument of the judge pronouncing it. Yet this mere argument is propagated as judgment—as law; and the laws of twenty-six sovereign States are to be subject to a perennial annihilation by a young advocate's fancy, fondled into formidable law by him as a judge, while clinging to *stare decisis* as the only rock of judicial salvation, deprecating novelty as injustice, and protesting against American courts thinking and reasoning at all, while blessed with even modern English courts to do it for them! According to Hume's opinion, the com-

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mon law of England is nothing more than the body of laws framed by Alfred, long lost, though now constituting the great basis of English jurisprudence. An English judge, Wilmot, deemed the common law, altogether, statutes worn out by time. All the most accepted and even renowned systems of legislation have been the gradual growth of public opinion, registered by enactments. Common law itself, the common civil law, as well as the common English law, is but the wisdom of many men distilled by the process of many ages, and finally declared as the accord of experience and common consent. But this entirely new theory of constitutional law broached in the heat of argument, resisted on the bench, never acquiesced in by any unanimous court, and sprung upon a confederation, has all the characteristics of dictation. It is revolution in the law; forced upon a people by such questionable construction, that as a rule it cannot pretend to stand without the allowance of numerous and deep exceptions.

Let us endeavour to imagine an English judge repealing an act of Parliament. He has the same judicial right, and is under the same obligation of official duty to do so with an American jndge, to repeal the law. But the English judge always recollects that Parliament or the people make the law which he is only to administer, and that his function does not extend to either creating or vacating it. Such constructive law as some American judges have attempted to fabricate for annulling statute law, without any explicit constitutional authority, would never be thought of by the English judiciary; nor would they be suffered to make laws or destroy them, by Marshall's argument, that a word in a political compact shall be subjected to all the consequences of technical meaning, without regard to whether the authors of the compact contemplated such meaning,—distended by Judge Story to the extreme that it is immaterial what they meant,—and canonized by Chancellor Kent, as the impregnable barrier thrown around all the rights of property, fortified against the will of men and the acts of States,—having originated in Hamilton's defence of the bank, who says, that if power to erect a corporation, in any case, being deducible by fair inference from the whole or any part of the numerous provisions of the Constitution, arguments drawn from extrinsic circumstances regarding the intention of the Convention, must be rejected. Whatever may have been the intention, that intention is to be sought for in the instrument itself, according to the usual and established rules of construction. Madison reasoned otherwise. In his speech on the same subject, as preliminaries to a right interpretation, he laid down these rules: "An interpretation that destroys the very characteristic of the government cannot be just. Where a meaning is clear, the consequences, whatever they may be, are to be admitted; where doubtful, it is fairly triable by its consequences. In controverted cases the meaning of the parties to the instrument, if to be collected by reasonable evidence, is a proper guide. Contemporary and concurrent expression are reasonoble evidence of the meaning of the parties. In admitting or rejecting a constructive authority, not only the degree of its incidentality to an express authority is to be regarded, but the degree of its importance also; since on this will depend the probability or improbability of its being left to construction." Considering the Constitution by these rules, Madison could discover no authority in it to incorporate a bank, much less imagined that a statute could be judicially vacated as a contract; and no circumstantial reason against the notion that a bank is a private affair, pleads

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more forcibly than President Madison yielding his judgment several years afterwards to the many judgments in favor of its constitutionality; for it cannot be that the united opinions of the legislatures, the judiciary, and the community to that effect, to which he yielded, were predicated of a private corporation, but it must have been some institution of great public concernment, which such sanction had rendered constitutional. The only instances of corporations stated by Hamilton as having been created by Congress were the governments of the Northwestern and Southwestern territories, both obviously political, and the most that can be argued from the conflicting opinions of Jefferson and Hamilton on the whole subject of corporate power and State rights, is, that they formed respectively the creeds of opposite political schools, of which that of Jefferson was departed from by Marshall and Judge Story in their constructive interpolation; Madison finally yielding to authority, (contrary to his own opinion) that a bank may be constitutionally established, but always adhering to his view as published in the Federalist, that laws may be judicially annulled as impairing private contracts, not acts of State. It is Judge Baldwin's opinion, and that of others, that injustice is done to Marshall by imputing to him coincidence in many of the extravagances of Judge Story; and that, fairly interpreted, the late eminent Chief Justice's political law will be found to be of the Madisonian stamp of federal doctrine. I have heard the late Judge Johnson say, that Marshall was as good a democrat as there was on the bench; and his insuperable repugnance is well attested to some of Judge Story's prize and prerogative and corporation law. But the book learning, industry, and amiable disposition of Judge Story, rendered him a very acceptable and influential associate to Chief Justice Marshall, especially in the latter years of his long judicial career; and with unfeigned reverence for his illustrious character, I confess that I find it difficult to separate his position from Judge Story's, in what I deem the great aberration of the contract doctrine.

Nothing is more misunderstood or misrepresented by lawyers, much more by the community, than the decisions of the Supreme Court of the United States, respecting its duty to repeal laws impairing the obligation of contracts. All the early judgments while there was any harmonious action on that bench, involving laws of Georgia, New Jersey, Virginia, and Vermont, turned on direct grants of land to individuals, resumed from third persons, which grants are irrevocable; as much so by a State as by an individual. If I give any thing to another, by tradition it is gone from me, he has possession of it, and it is probably beyond my physical power, as it ought to be contrary to my legal right, to retake that thing: not because the grant was a contract; at any rate that is not the reason when a State grants a thing to an individual. The State of Georgia granted land by act of assembly through the instrumentality of the Governor of the State to James Gunn and others. Then no subsequent act of that State could resume that land, revoking the grant, no matter why. It was given and taken; the State having no right, which is equivalent to having no power, to take it back. But in order to do justice on this plain case, Marshall made a constructive contract, because he says a compact is a contract, and he cites Blackstone, saying that an executed contract differs in nothing from a grant. The whole paragraph in Blackstone is in a short parenthesis, not vouched by any judgment or authority, never intended to be misconstrued as it has been by

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a learned profession, seizing on it to supersede legislation whenever a contract can be distilled, by the forensic process, from the numberless laws which (if any law be a contract) may be so reduced by this chemistry of law. After defining and classifying contracts as agreements or mutual bargains between two contracting parties whom he individuates as A and B, and instancing that one pays the other for a transfer of property; (all of which is totally unlike a law) and so proceeding to explain his views, Blackstone adds, as part of a sentence, "for a contract executed (which differs in nothing from a grant) conveys a chose in possession." From those five words, found in a short parenthesis, comes the unfortunate and unnecessary argument, that a law must be a contract to be annulled. For a long time after Blackstone's Commentaries were in the library, and in the memory of every lawyer, they were not quoted in English courts; and it is said their illustrious author was struck with modest repugnance when told that they had been. In this country they are the vade-mecum of the bar, and the rubric of courts, and it is curious to contemplate the unexampled revolution which a diffident, and almost conjectural, expression respecting property and persons, thrown into a parenthesis of an English law book, vouched by no adjudication or authority, and palpably with no thought of such result, has led to in the political law of a new world. I may add, that in Marshall's use of the short phrase of Blackstone, he does not even quote it accurately, but adds a word, perhaps of no importance, yet not in the short sentence of five words, on which he draws for his whole argument.

Judge Johnson in his more considerate and more enduring adhesion to this declaration of judicial independence, (for such the judgment deserves to be called when seperated from the reason) after subscribing to the judgment, that a State does not possess the power of revoking its own grants, on a just and general prinple, the reason and nature of things—a principle which will impose laws, he says, even on the Deity—because when the legislature have once conveyed their interest or property in any subject to the individual, they have lost all power over it, have nothing to act upon, it has passed from them, is vested in the individual, and becomes intimately blended with his existence, adds, that his opinion is not founded on the provision in the Constitution relative to laws impairing the obligation of contracts, which, he quotes Madison in the Federalist, for saying was intended to afford a general protection to *individual* rights, against the acts of the State Legislatures. Judge Johnson gives into the technical definition of the misconstrued word *contract*, though he qualifies this otherwise fatal concession by dwelling on the difficulty which the Chief Justice does not appear to have adverted to, till it perplexed, and I may say prostrated, the judgments of the whole court a few years afterwards, when the other word *obligation* came to be thoroughly considered, as Johnson first said it must be. The inconsistency of an obligation continuing with a grant after its execution, is demonstrated by Johnson, as it must convince every one. And he proceeds upon higher and broader views of constitutional jurisprudence to anticipate the insurmountable difficulties which have distracted the Supreme Court, perplexed jurisprudence, exaggerated jurisdiction, and confused the community, from the impracticable construction which, taking the word contract alone in its mere technical meaning, attempts to bind all laws by such pigmy fetters. I enter, says he, with great hesitation, on this question, because it involves a subject of the

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greatest delicacy, and of much difficulty. The States and the United States are continually legislating on the subject of contracts, prescribing the mode of authentication, the time within which suits shall be presented for them, in many cases affecting existing contracts by the laws which they pass, and declaring them to cease or lose their effect for want of compliance in the parties with such statutory provisions. All these acts appear to be within the most correct limits of legislative powers, and most beneficially exercised, and certainly could not have been intended to be affected by this constitutional provision; yet, where to draw the line, or how to limit the words, "obligation of contracts" will be found a subject of extreme difficulty.

To give it the general effect of a restriction of the State powers in favor of private rights, is certainly going very far beyond the obvious and necessary import of the words, and would operate to restrict the States in the exercise of that right which every community must exercise, of possessing itself of the property of the individual when necessary for public uses; a right which a magnanimous and just government would never exercise without amply indemnifying the individual, and perhaps amount to nothing more than a power to oblige him to sell and convey when public necessities require it. Judge McLean, in the Charlestown Bridge case, not only repeats and affirms Johnson's objection to Marshall's adoption of Judge Story's suggestion, that a law is a contract within the purview of the federal Constitution, but he adds another substantive refutation, that an executed contract cannot be subject to any contract obligation; and, as I understand his argument, he moreover takes Madison's position, that the clause in the Constitution merely refers to private transactions, and was never designed to act upon those of States. These quotations show how Johnson differed from Marshall, and that Judge McLean also dissents, and truly indicate the embarrassments that have ensued, not from the federal judiciary declaring State laws unconstitutional (I do not now call that power in question) but from their attempting it on the mistaken principle that such laws are to be judicially dealt with as mere contracts.

That postulate I venture to deny, and have endeavoured to show the difference between the judgments and the individual speculations, of some of the judges of the Supreme Court, especially that one who alone has ever called a bank charter a contract, and broached many other speculative sentiments, subversive of ordinary and constitutional law. Even, however, granting that laws are contracts, and (going to the uttermost of this judicial speculation,) that laws of incorporation are contracts, still the Dartmouth College case itself does not venture beyond private charters, and if a bank be not a private institution, there is no pretext from that disastrous judgment itself for considering a bank charter a contract. On the contrary, the only judgments of the Supreme Court on bank charters pronounce them public institutions.

Having thus explained the law, I cannot leave the Supreme Court without presuming farther to question the great lawyers who have adorned its bench. Constitutional law is politics. The constitutionality of a national bank and other controverted questions of political law—the touchstones and formations of parties, must needs divide eminent lawyers, whether at the bar or on the bench, like other men affected even by the northern or southern atmosphere of their respective residence.

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Most of our federal judges were statesmen deeply imbued with party politics. The Chief Justices were active and leading members of a party when promoted to the bench. It becomes indispensable, therefore, to such a verdict as history and truth will record on their constitutional doctrines, to appreciate them in connection with those fundamental movements, which have agitated all countries and ages, but in ours especially have been always a primary element of all public life. At the formation of the Constitution, with reference to constitutional opinion, there were, first, centralists, who endeavoured to make the federal authority, in all departments, not only judicial, but executive and legislative, a controlling supremacy over that of the States in all their departments; secondly, federalists, whose plan was that the Supreme Court of the United States *alone* should decide questions of constitutional difficulty; thirdly, republicans, consisting of two classes; first, those who, denying the *sole* supremacy of the Supreme Court, granted a qualified federal supremacy in certain contingencies; and secondly, those who denied federal supremacy altogether,—holding that the States and the Union, and each branch of each government must determine for themselves in constitutional exigencies and conflicts; and fourthly, there were some of all parties who may be called optimists, for making the experiment of the constitution as substituted for the confederation, without siding entirely with either the centralists, the federalists, or the republicans; trusting the experiment to work its own way, but never anticipating, as I know from one of them, that the vast constructive power worked out would ever come to pass: for as my informant always said, if such result had been foreseen, neither the federal convention, nor the State conventions, would have adopted the Constitution. The several divisions I have designated as centralists, federalists, republicans and optimists, comprehended men of various parties, as parties have since been formed; and while confining myself strictly to an historical account of their preferences, I refrain from any opinion on their respective merits. Patriots, in the best sense of the term, were attached to each party. In the progress of events, centralism is now nearly extinct; constitutional republicanism, till latterly hardly existing north of Virginia, now predominates in the South, and has increased to a strong interest in the West, Centre, and even in the East.

Constitutional federalism proved the strongest of all the several parties; it organized the government, and for the first eight years was the ascendant interest: not the federalism in whose revival Judge Hopkinson exulted during this discussion. That forbearing federalism which was the creed of Washington and Madison, was not the central federalism of Hamilton and Morris, or of the elder Adams; be it said, not only without meaning offence, but even an opinion, my sole object being to ascertain the constitutional politics of those to whom as judges we are called upon to bow for constructive constitutional doctrines. To appreciate their judgments on political questions we must know their politics.

During the first eight years of federalism, no State law was declared unconstitutional by the Supreme Court of the United States. In 1795, one of the Judges, Paterson, on his circuit in Pennsylvania, ruled a State law to be unconstitutional in the course of an eloquent and able charge to a jury, asserting great original principles of judicial power and duty, and of fundamental, rather than constitutional law, which, far from controverting, I deem much more conformable to right reason than

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the doctrine of contracts long after suggested by Mr. Story, adopted by Marshall, and propagated by both, especially Judge Story. The very question of contract, as they invented and extended it, was distinctly presented to Judge Paterson, within six years of the time when he had assisted, as a member of the federal convention, to insert the clause against State laws, impairing the obligation of contracts. Yet, while asserting the loftiest powers of judicial supremacy over legislation, the idea of rescinding a law as a mere contract never occurred to him. On the contrary, his brief view of this point, in the close of his opinion, demonstrates that what long posterior suggestion brought to light, and subsequent experience has exploded, was never imagined at or near the period of the Constitution, nor thought of by its framers, but is a constructive creation, which, as Judge Story in his commentaries admits, was not at all foreseen or intended by the framers of the Union. At a later period, the Supreme Court rejected all Paterson's grounds. Thirteen years after the Constitution, when a law of Connecticut was brought immediately before the Supreme Court on the allegation of its invalidity as contrary to the federal Consitution, the judges evidently shrunk from the exercise of authority so formidable as annulling a law. Judge Chase said, 'without giving an opinion whether this court has jurisdiction to decide that any law made by Congress contrary to the Constitution of the United States is void, I am fully satisfied that this Court has no jurisdiction to determine that any law of any State legislature, contrary to the constitution of such State, is void.' The other judges, Paterson, Iredell, and Cushing, in several opinions each, discussed the constitutional clause in question, without the least approach to Judge Story's notion, that, by prohibiting laws of States impairing the obligation of contracts, the Constitution contemplates laws as contracts: and Judge Paterson said that he had 'an ardent desire (as one of the framers of the Constitution) to extend the provision to retrospective laws in general, which are all contrary to the fundamental principles of the social compact.' But throughout the whole of the arguments of these primeval judges, familiar with the constitutional intention, not one idea appears, to justify that long subsequent and extravagant construction, by which the modern doctrine was introduced, contrary, as its author admits in his commentaries, to the design of the Constitution.

It was not till 1810, when the federal judiciary had been in existence so long as to have worn out several successions of judges, that for the first time, and under remarkable circumstances, the great step was taken of judicially declaring a law void; and not only so, but void because it was a contract. After a party contest, which, from its fury and its effects has been called a political revolution, Jefferson became President in 1801, and while the outset of his administration attacked to destroy the most prominent measures of Adams' administration, which Marshall had been largely instrumental in building up,—Marshall, just appointed Chief Justice, was as intently occupied in an attack on one of the first measures of Jefferson's administration, by the proceeding against Madison as Secretary of State, for withholding commissions. The Chief Justice's extraordinary argument in that case contains the first solemn assertion in the Supreme Court of the powers of courts to annul laws as unconstitutional, which had often been intimated before, but that was the first occasion (and without any reason for it in the case itself,) when the power and duty were ominously explained by an elaborate argument. Nine years afterwards

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that stupendous power was first exercised, just after Jefferson, the first presidential apostle of constitutional republican principles, had retired from the Presidency, and was succeeded by a constitutional federalist; not such a federalist as those Judge Hopkinson rejoices with, but holding with them that the federal judiciary is the sole and exclusive resolvent of constitutional controversies. As soon as such a federalist, in the person of Madison, was President, it was determined by the Supreme Court, under memorable circumstances, in a case which one of the judges charged with double dealing, not only to annul a law, to which there would have been no great objection, but for the unfortunate opinion that it was annulled because it was a contract. This judgment was in perfect harmony with the new President's constitutional tenets, however dissonant from those of his patron predecessor.

The reason given by the Chief Justice was nothing more than his individual opinion, binding neither the Court, the community, the future, nor any other judges, and explicitly disavowed by one who held to the constitutional doctrines of Madison; moreover, protesting, from the bench, that he was very unwilling to proceed to the decision at all, because it appeared to him to bear strong evidence, upon the face of it, of being a mere feigned case, and it is the duty of courts to decide the rights but not the speculations of parties; but his confidence in the respectable counsel induced him to abandon his scruples. Among the counsel thus half acquitted by Judge Johnson was Mr. Story, with whose accession to the bench next year began that cataract of cases, in which laws were overwhelmed by the notion that they may be dealt with as contracts. The judgment that land granted by a State to individuals cannot be resumed by the granting State from third purchasers, would not have been objected to. It stood firm on those first principles of obvious justice, propounded by Paterson and Johnson, though abandoned by Marshall and Judge Story for a constructive novelty much less satisfactory, dignified, or effectual. We don't know whether any of the other judges concurred with Marshall in that notion, while uniting in the judgment. The two senior judges, Chase and Cushing, men of great learning and experience, were absent, so that even the judgment was that of a bare majority of the court. The opinion that a law making a grant is a contract, was the ingenious suggestion of a young lawyer, fruitful of reasons, in a case which, as Johnson suspected, may have been a mere speculative issue, made up without his connivance or knowledge. It was a germ, which duly cultivated, must add vastly to judicial authority, rendering its fiat more powerful than any law of a State; exceedingly grateful to those, and they abound, who think constructive supremacy, enthroned in courts holding office during good behaviour, a safer and better chancery of constitutional power than any other branch of government,—much safer and better than the common forum of a community, the mere mass, to whom, by our constitutions and theories of government, the sovereignty is assigned, but whom, in the honest politics of many, it is nevertheless wise and just to deprive of as much of it as judicial construction can lay hold of.

Two years after the Georgia law was annulled, a law of New Jersey shared its fate, under circumstances much extending the doctrine. Jersey had agreed to release from taxation, lands purchased from the Delaware Indians, who, removing to New York, sold the lands to third purchasers, who claimed exemption from taxation for them, and the Supreme Court repealed a law taxing them, on the ground that the

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convention with the Indians was a contract with the lands, though it admitted that the State might have insisted on a surrender of the exemption from taxation, as a condition to their sale by the Indians. In both these cases the judgments are recommended at any rate by a persuasive equity. But the contract principle they introduced and extended, soon came to be applied with increasing extravagance, until self-destroyed by the contradiction, confusion, and discredit, which inevitably ensued. The Supreme Court determined that a law might be a contract, and that even the taxing power of a State must be annulled by a court, if it discovered in a tax law what might be deemed a contract. The assumption thus established was soon applied to church laws, to colonial acts, and to corporations, through which stages of exaggeration it rapidly passed to its doom. In 1815, a Virginia law of '98, the well known session when Madison's cardinal resolutions brightened the rusting rights of States and people, was set aside by the judgment of a majority of the Supreme Court; pronounced by Judge Story in an eloquent and learned argument, which shadowed forth the coming event of the Dartmouth College extension. That eventful decision followed in 1819, pushing the contract principle to extremity. Until the Georgia case, the constitutional interdict was supposed to be confined, as explained in the Federalist, by Madison, to contracts between individuals. The first judicial step beyond, in 1810, applied it to States; and successive enlargements carried it to tax laws and church laws, until finally it embraced a colonial charter, annulling the law of an independent State reforming it. Other analagous judgments soon followed this, the ne plus ultra of judicial construction. Judge Story, who, with the fond feeling of attachment to illegitimate offspring, which is natural, would reduce limitation laws, divorce acts, and nearly all other State laws within the power of the federal judiciary, as mere contracts—that is, would entirely centralize a federal government—struggled still in the Harvard College case to keep his then languishing doctrine alive, as it stole into being in the Georgia, and came to monstrous maturity in the New Hampshire case: but it died the common death of excess, by its own excesses. If stability and inviolability can construct an impregnable barrier around property, with materials from the customary contrivances of centralism, and it is for the general welfare that States should be reduced to corporations, while corporations are made States, their power to enact laws subordinate to that of corporations to make by-laws, this judicial constructive power should be matter of exultation. It revives the politics of Hamilton and Morris, in which Judge Hopkinson rejoices as those most consonant with the Constitution and the happiness of the country. But it will be regretted, and by reason resisted, if Madison was right or Jefferson's politics ought to prevail. It is palpable and intolerable violation of the Constitution and of State rights, according to the more anti-federal opinions of once a small remnant of republicans, magnified by re-action against judicial and other political usurpation into great numbers, whose appreciation of the Union is perhaps as just as that of central federalism. It is not a question of judicature, but mere politics, on which parties are divided, and ever have been, and will, as they must and should be. Judge Hopkinson shews that it is mere politics, while laying it down as law. Conceding to courts of justice better faculty of deliberate and satisfactory judgment than other umpires, still this is a question in the determination of which political parties, not individual litigants, make the very issue, and one or the other party, as a party,

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must settle it, as a question of politics, not law. It is preposterous to expect obedience to constructive fiat, reversing enacted law, pronounced by courts, as the only mode of establishing supreme law. There is no sanction. Constitutional are as much political principles, as judges are men. In the debates of this Convention we are obliged to hear gentlemen of certain politics extolling Marshall and condemning Jefferson, sometimes by labored comparison and disparagement, as was the effort particularly of Mr. Meredith, which proves nothing but such gentleman's preference of Marshall's politics to Jefferson's. For a disciple of the one to reprobate the other as a bad man, tends no more to make the doctrine of the one right, or the other wrong, than for those who differ in forms of worship to deny the religion, and assert the infidelity, of each other. A Christian and Mahometan may as well undervalue each other's faith. There would be as much reason in the one's undertaking to convince the other.

Mr. Clay, in his excellent speech in the Senate against the Bank of the United States, thus indicates my views of the necessity of considering the individual politics of a court which is to determine political questions; and at the same time countenances my doctrine as to the legislative power to repeal bank charters. Mr. Clay's whole argument is distinguished for ability; it may be taken as the best against, as Hamilton's is the best for, a bank of the United States. Mr. Clay said that Congress have as much right to judge of their constitutional powers as their successors. But had they revoked the law, the judiciary would probably have been appealed to, and from the known opinions and predilections of the judges, then composing it, they would have pronounced the act of incorporation, as in the nature of a contract, beyond the repealing power of any succeeding legislature. He therefore concluded, that it was wisest to wait the natural dissolution of the corporation, rather than accelerate that event by a repealing law, involving so many delicate considerations. New and immense extraordinary and political faculty and responsibility, more than it can bear, has been assumed by a magistracy whose appropriate function it has heretofore been, always and every where, only to adjudicate private rights without meddling with political questions of constitutional perplexity and popular peril. When the last President insisted on his official right and duty to judge for his own office of a constitutional difficulty, without abiding by the determination of the judiciary or any other co-ordinate branch of government, his much assailed position conformed to the doctrine of Jefferson, and had the sanction of all his school of politics. When a disaffected State lately refused to yield to the authority of the United States in the adjustment of such a difficulty, and even armed to maintain its stand, that State could vouch such high authority as Chief Justice McKean, and perhaps Mr. Rawle for its conflicting independence. Judicial supremacy is no more written in the Constitution than nullification. Both come of construction. Wherefore acknowledging the right of superintendence in the Federal Government on all questions of the Constitution, and laws of the United States made in pursuance thereof, and all treaties made under the authority of the United States, constitutional federalism and sincere patriotism may still recommend forbearance from constructive power and political judicature, as wise for a judiciary whose unquestioned authority in all unquestionably judicial controversies, suffers more from usurpation of political exclusiveness than any other radicalism—such assumption being extreme radicalism. Judge Hopkin-

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son's pleasure at the indications of a revival of federalism, and his panegyric of its virtues, are mistaken, if he meant the principles of Hamilton, and what *he* would call federalism. It is very common to say, as the Judge did, that the federal doctrine is the dernier resort on all emergencies. But nothing is more contrary to history, if centralising federalism be meant. So far from it, the principles of that federalism are not only exploded here, but their English models are much decried; the politics of Hamilton, Morris, and their respectable compatriots, the American *doctrinaires*, —some of them, even with Washington's sanction—are gone forever. Their English predilections for limited suffrage, profuse taxation, long terms of office, national debt, funding, a national bank, restricted naturalization, alienage, sedition, libels, and others, the great articles of English creed, and the favorites of American federalists, are no longer tolerable. He must be blind to continual manifestations, to all modern history, to the march of intelligence and melioration of politics, who does not see that the uttermost theories of the Virginia school have gained ground beyond, probably, the most sanguine anticipations of the founders of their long peculiar tenets; and that all excessive government is coming to an end. Among the realizations of these changes, the judiciary has rendered itself no longer the sole arbiter of constitutional difficulties. Should they who most anxiously revere and uphold that department regret this change? Will it not save and strengthen the judiciary? Will it not corroborate and perpetuate the Union? The exclusive authority which Madison and the constitutional federalists ascribed to the federal judiciary, to settle the Constitution by judicial construction, has been at least unfortunate in its exercise. The perilous function of invalidating what are deemed unconstitutional laws, is an awful power, said Judge Iredell, in its experiment. The Supreme Court has seldom, if ever, been of one mind in the high function of even repealing a State statute—has never ventured to offer such indignity to an act of Congress. Conflict has produced inconsistency; of consequence the judiciary has failed to convince or satisfy. A tribunal vitally important to the community, for judicial purposes, has suffered in its great usefulness and dignity by gratuitous disparagement; for frequent political or constitutional controversies are not consonant with the judicial office. Why should judges expose the judiciary to the vicissitudes of politics injurious to the judiciary, as a body, fatal to the judicial standing of individuals? A profession and politicians maintaining the exclusive prepotency of the federal judiciary, forget that some of the most elaborate, convincing and accredited decisions of such justly celebrated magistrates as Parsons, Spencer, Thompson, Kent, Kirkpatrick, Tilghman and their learned associates, gentlemen mostly of federal politics, on benches of justice justly venerated—deliberate and able determinations of the Superior Courts of most of the States—have been reversed and annulled, together with State laws affirmed by masterly judgments, in contradictory decisions of seldom, if ever, the whole of the judges of the Supreme Court of the United States widely differing among themselves in every opinion. In a country like ours, so wide spread, so little bound by metropolitan supremacy, can the learned profession of the law ever be satisfied that Judge Story's arbitrament of a constitutional controversy is of better reliance than that of Parsons, Kent, Tilghman, or Roane? Without intending personal comparison, let any considerate man, let any judicious lawyer contemplate the whole Union, with a broad view to the great result. Will the bar, and suitors, and community believe

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that the federal court or judgment cannot but be right, and the State court must be wrong? Is it not too much for general acquiescence, that the judgments of a few however able and unexceptionable magistrates at Washington, shall supersede and suppress those of their equals in learning and reputation throughout the Union, when the latter affirm statutes of their several States? Consider the admirable, the fervid, and the solid argument of Kent and his eminent associates in the steamboat controversy, for instance: can the mind, will it, embrace without hesitation the reverse of such conclusion? Or may it not apprehend that even the same magistrate under metropolitan influences at Washington, might have come to the very federal conclusion which at Albany, with provincial feelings, he most ably demonstrated to be entirely wrong? And will not the effect be to undermine that faith in judicial wisdom, which is so necessary and in this country so prevalent? By grasping at excessive cognizance, judges lose the substance for the shadow. Construction leads to construction; like all other aberration, a first step inevitably produces more. Political jurisdiction must be continually backsliding. The decisions of the Supreme Court from 1812 to 1834, encouraged the bar to stimulate the Court to further excesses, and paralyzed an overstrained power which, moderately exercised, might have proved a permanent and acceptable umpirage. Constitutional jurisprudence, judicial legislation, political construction, are necessarily contradictory and questionable. It is the infirmity of their nature. With republican institutions, such determinations belong mostly to the political sovereignty. The judiciary should never interpose, but in extremity.

Far from denying the power of courts of justice to declare laws void, I approve the examples of Paterson and Chase, asserting it much more extensively and rationally than Marshall or Judge Story; and Johnson's (with whom I believe Judge Thompson agrees, as the late Judge Brackenridge did) denial that the ex post facto interdict of the Constitution is to be confined to criminal law, but extended to all retro-active injustice, by palpably wrong legislation, according to English law, and all law of which the everlasting and unchangeable attributes of morality and honesty are elements, is but a restoration of them to its genuine philosophy. It is by novel experiments, departure from the more talked about than respected wisdom of ancestors, by violation of precedents, and disregard of authorities, and attempting new principles of constructive power, assumed by a department having little or no power but which is conferred on it by legislatures, or derived from precedents, that the American judiciary has brought itself into difficulties and disparagement.

Although it is no part of my task or wish to question judicial power and duty to abrogate statutes, I ask attention to Chief Justice Gibson's very able refutation of Chief Justice Marshall's vindication of that power, by a train of cogent reasoning condemning what he calls dogmas of professional faith, rather than matter of reason; and demonstrating, I conceive, that whatever may be thought of the rule, the reasons alleged for it by Marshall are unsatisfactory. The squandering of judgments by the exercise of an extreme judicial authority (which, to be available in time of need, ought to be hoarded with the utmost economy) and the founding it on false reason, are my objections, rather than the denial of the authority; the practice, not the principle.

After all that has been said of this power, extraordinary it must be admitted, and different from the ordinary jurisdiction prescribed by the judicial oath and office, the

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practical result may be that American judges, returning to the principles of those of England, will not act upon the obligation to declare statutes void, whether unconstitutional or not, only when unquestionably violative of constitutional or fundamental prohibitions, and never otherwise. That written constitutions give courts political power over laws, is certainly not to be found in the letter of the judicial commission. Judge Hopkinson says the judges assumed the power; but wherefore more because the supreme law is written than if original, natural or common paramount, but not written? What is radically wrong, courts of justice cannot administer as right, no matter whether unconstitutionally or otherwise radically wrong. Why is it only wrong where contrary to a written constitution? Palpable and flagrant inconsistency between the law of a statute and the law of a constitution, is no more contrary to justice than any other fundamental wrong. Then why is it a judge's duty to adjudge the one wrong but not the other? Judge Thompson and other judges have considered the constitutional guard of private contracts and against ex post facto laws, as but declaratory of the great aboriginal code of moral obligation, forbidding palpable injustice, binding on all courts of law; law before written constitutions and without them; law in every constitution. Chase, who duly appreciated the extremity of judicial political intervention against statutes, mentioned several instances of them to be treated by courts of justice as void, which is doctrine much more consonant with judicial duty and rational jurisdiction, than the re-cision of statutes as contracts by color of collision with a word in written constitutions. Not less than two thousand five hundred American judges, according to Marshall's interpretation of their judicial oaths, and his doctrine of the injunction of written constitutions, are bound to enforce the judicial authority of annulling statutes. This is a great reason for restoring law to what it was before the contract doctrine. For what system, constitution, or country, can bear the constant shock of armies of legislators and judges, five thousand making, and half that number breaking laws perpetually? It is a substantive objection to such extravagance of judicial prepotency, that every inferior judge (why not every magistrate?) is to be always mounted on this hobby galloping round the zodiac of constitutional jurisprudence, and whether bull, bear, or goat, trampling laws under the hoofs of incapacity, surely more to be deprecated than the popular understanding. So tremendous is this power, and so impracticable, that in near fifty years the federal judiciary has never exercised it on an act of Congress, nor the courts of Pennsylvania on a law of this State. Marshall, in Madison's case, makes no distinction between laws to be adjudged unconstitutional, whether acts of Congress or Assembly. According to him, they are all obnoxious to it. Chase denied the power of the federal judiciary to declare a State law void because inconsistent with the constitution of that State. Chief Justice Gibson thinks that any judge may declare a State law void, if undoubtedly contradictory to the Constitution, laws, or treaties of the United States; but that a judge cannot declare a State law void for inconsistency with the constitution of the State. The whole subject is involved in difficulties; and the clearest position on which unprejudiced reverence of law can rest, is that before cited as the only one in which American judges are agreed, and which never has been and cannot be questioned; that it is an awful power, an extreme power, the revolution power of courts of justice, never to be exercised but in a case beyond all doubt; which principle, together with the practice of conforming to it, restores the English doctrine

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and reconciles the American to it. There may be instances of such indubitable wrong or error by statute laws, as to leave courts of justice no option but to pronounce them void. Tried by this test, the contract doctrine will not bear the least touch of the stone. With great deference, I submit that the latter decisions of the Supreme Court overruling the early doctrines of Paterson and Chase, that laws may be declared void though not unconstitutional, are not well founded. And if the early adoption of one of Blackstone's few mistakes, that ex post facto laws are penal laws only, be likewise corrected by adjudications against all retro-active and otherwise fundamentally false statute laws, whether national or State, the jurisdiction, usefulness, and dignity of the federal judiciary, will be what considerate Americans must wish to see and feel them.

It is not the power I presume to question, but the constructive and extravagant exercise, the abuse of it. Mistaken reason begot a bad rule whose euthanasy need not impair the right. It can hardly be deemed impertinent to anticipate of the lately renovated Supreme Court of the United States, a milder and a better code of constitutional and fundamental jurisdiction. When acts of Assembly are treated as reverentially as acts of Congress, and they are fully entitled to it, that harmony of all, and supreme judicial authority of the federal judiciary, will be reinstated, which it is my constant endeavour to uphold. The empire of law, the sanctity of property, the inviolability of private rights, corporate as well as individual, I contend for. But their preservation depends, I submit, on a temperate exercise of the high offices of judicature, rarely interposing with political jurisprudence, and never adjudging any law to be a mere contract. A sure touchstone for courts will be whether the ground is debateable; for if a judge may repeal a law whenever a lawyer by plausible argument can bring it into even strong doubt, there are many laws to be repealed, and a constitutional protection of private rights will be perverted to the means of creating a council of irresponsible censors, continually employed in frustrating legislation. If the question is debateable, the law should not be adjudged unconstitutional.

An elaborate essay by Judge Hopkinson, in the American Quarterly Review for September, 1827, criticises Chief Justice Gibson's opinion, and entirely disapproves of it, with a show of authorities, which, I think, when examined, do not much affect the reason of either side of this question. Of Judge Hopkinson's sixty-three law cases collected from the judicatures of fourteen States, (all of which I have consulted, as far as the references lead to them—some of the citations not being exact) most are judgments against the doctrine he maintains, although asserting the right to exercise it when proper; several of the cases have no reference to the constitutional question, but assert judicial authority generally over statutes fundamentally wrong; a distinction not observed by Judge Hopkinson himself, who dwells on Patersons' celebrated argument as if it were constitutional, while it has nothing to do with the letter of constitutions, much less the contract doctrine; and its fundamental doctrine has been repeatedly overruled by the Supreme Court in adjudications much to be regretted, in which all retro-active and ex post facto injustice is pronounced to be irremediable, however enacted, unless by penal law or impairing the obligation of contracts. After all, therefore, Judge Hopkinson's authorities prove no more than the mere assertion of the alleged judicial right, rarely exercised by some judges, while denied by others; by some the constitutional confounded with the fundamental authority,

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and the whole question when treated by statesmen, out of court, determined on the one side or the other, according to their politics. Judge Hopkinson cites Marshall, Morris, Ross, Griswold, and Bayard, with other federalists for the affirmative; and Giles, Breckenridge, of Kentucky, Mason, of Virginia, and Stone, of North Carolina, with other republicans, for the negative; and it is somewhat indicative to remark the learned Judge's disposal of the respective parties; for instance, Mason and Stone offer no reasons, and Giles is a wily politician; whereas Bayard is an accomplished lawyer and able statesman, Griswold gives the great power of his mind to the cause, and so forth. Appreciation of the force of argument and character which depends on the politics of the advocates and the judge, and even on the degree of latitude in which his party sympathies may chance to be formed, will hardly be accepted by history as the verdict of impartial justice. I have said that in my humble opinion, American judges, like those of England, must sometimes, though very seldom, go so far against palpable violations of the original and immutable law of right by statutes, as to be constrained to declare them void.

A well informed foreign lawyer, M. De Tocqueville, in his excellent view of Democracy in America, chapter VI, on the judicial power in the United States, considers that power competent to annul all retroactive laws, making no distinction between such as are unconstitutionally ex post facto, and others, and declares that this power is recognized by all the authorities; that not a party, not even a man, is to be found who questions it.

But the American constitutional historian, recording results, without opinion of their merits, will declare that while the American judicial power to pronounce statutes void has been for the most part asserted by the judges, yet it has seldom been exercised, and that many statesmen have always denied it; that all asserting it have uniformly acknowledged that it requires an unquestionable case of extreme urgency for such judicial intervention; that some highly respectable, though but few, judges have deemed it their duty to declare statutes void which are manifestly unjust, though not contrary to constitutional provision, but that the Supreme Court of the United States have rejected this principle, confining the jurisdiction to statutes contrary to the letter of a constitution. The same impartial historian must add that in no instance has the Supreme Court of the United States adjudged an act of Congress void, or been unanimous in adjudging that a State law may be annulled as a contract, and that great confusion and uncertainty have followed the enforcement of that contradicted construction, unknown in any other country or age. I think he must add further that, according to English principles, ex post facto laws are not merely penal laws, but all retroactive laws; and, if he gives an opinion, he must regret that American judges, by adopting Blackstone's error to the contrary, have divested the judicial office of its noblest authority. While appearing anxious to enlarge their jurisdiction, they have thrown away its best part.

After so long an excursion into foreign parts, the realms of federal jurisdiction, to shew by monuments, with all respect for constituted authorities, that there is nothing to apprehend from them, from the embers of fire, (to repeat Chancellor Kent's felicitous balm) which do not lie in the way, and indeed have never been lighted at all, or no federal authority sanctions the menace, however often repeated, that bank charters are contracts which the judiciary will guard from revocation by a State—I return to Pennsylvania for the conclusion of my task, trusting that it has been

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shewn that whether a bank charter shall be repealed, is not a question for the federal judiciary, on the plea of contract, but altogether and merely matter of State policy.

All the banks of Pennsylvania, except one, hold their charters by express provision in them, that if it shall appear that the charters and privileges are injurious to the citizens of this Commonwealth, the legislature reserve full power to alter, revoke and annul them at any time. It is the statute law of Pennsylvania that no company, incorporated by the laws of any other of the United States, shall be permitted to establish within this Commonwealth any banking house or office of discount and deposite: and all bank notes under five dollars, between five and ten, ten and twenty, and twenty and fifty dollars, are prohibited by penalties enacted posterior to the bank charters. The whole regulation of banking is thus within legislative action, applied occasionally contrary to Judge Hopkinson's denial of legislative authority over bank charters, excepting one bank. Mr. Dallas' suggestion of the mode of proceeding with that bank has been denounced with great severity; by no one of this convention more than Mr. Stevens. But I shall shew, finally, that he is the originator of Mr. Dallas' destructive doctrine, as Mr. Stevens calls it, and that the only bank whose charter is not, by the charter, revocable, owes its creation to an attempt by Mr. Stevens and others to place it, for illicit and selfish purposes, beyond the law.

By the private journal of the House of Representatives for 1835-'6, volume 2d, page 204, report No. 45, made on the 6th January, 1836, it is stated by the report of the Judiciary Committee, relative to the incorporation of the Wrightsville, York and Gettysburg Railroad Company, which report was made by Mr. Stevens, that an act of the legislature incorporating that company had been carried, through mistake or fraud, whereupon the committee declare that they entertain no doubt of the power of the legislature to *repeal the law, and declare void the charter obtained by such palpable fraud and imposition.* To permit such fraud to prevail, and the authors to take advantage from it, either to themselves or their constituents, would be a reproach upon legislation, and an encouragement to dishonor and dishonesty. The Committee, therefore, unanimously recommend the passage of a law compelling the company to complete the railway to Gettysburg, as was originally intended by the House; or if they should refuse to do so, *repealing the law by which said company was incorporated, and declaring the charter null and void.* They accordingly report a bill. So that Mr. Stevens was the practical expounder of the destructive doctrine which he denounces in Mr. Dallas.

The cases are precisely the same, identical, for all the purposes of my argument. A law passed incorporating a company, which, I understand, was accepted and acted on by the corporators. On the allegation of fraud, with little more proof than Mr. Stevens' declaration, *on honor*, that act was repealed, the charter recalled, the corporators compelled to change it fundamentally, at a ruinous loss; in short, every suggestion of Mr. Dallas' much abused letter was carried into effect at Mr. Stevens' instance, by subsequent act of the legislature resuming the vested rights of a chartered association. It was not a public object, like a bank, but private. The ground alleged was fraud; fraud in only one member of the legislature, who, on oath, denied the fraud imputed to him on Mr. Stevens' honor only. I am not to be understood as affirming that a subsequent legislature, on such premises, should re-

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scind their predecessor's act; still less as adopting Mr. Stevens' unwarrantable position of imputed fraud in a single member, on the statement, on honor, of another member directly interested in the issue, and, by recrimination, implicated himself in the fraud, is adequate proof of fraud; least of all as subscribing to the palpable injustice of this flagrant violation. All I use it for is its aptitude, recency and force, as a precedent, to show what the Legislature of this State has lately done, and considers it may do, in such cases. In all respects it is the very case of the Bank of the United States, as put by Mr. Dallas, with no difference except that the act of repeal was a much stronger exercise of authority in the instance of the railroad, even supposing the fraud proved, than any such act can be in that of the bank.

In closing this long and arduous effort, I am not insensible of its temerity, and fully aware that the task is beyond my powers. To broach the subject with independence, as becomes an American, is all the good I can do; the intelligence of the community will accomplish the rest. Not long ago it was very generally apprehended that a bank charter is a contract, and probably most of the members of a learned profession acquiesced in the whole contract doctrine dictated by one of its most respectable heads, which I have venutured to call in question, and which I have good reason to believe a very large portion of the intelligence of the community, including that learned profession, is already disposed to reject as an untenable dogma; not from the force of my reasoning,—my only merit is to have called the attention of superior minds to the inquiry. It was impossible to confront honest and respectable prejudice, as I have ventured to do, without incurring obloquy. Many sincere and worthy persons really dread every independent denial of partially established opinions, and especially deprecate what they deem irreverent contradiction of merely judicial say-so's. Many others, insincere, interested, and frequently infamous, sticklers for what they clamor as vested rights, are outrageous in denouncing the alledged heresy of questioning them. Towards the former I cherish every respect; the latter I put at defiance. Every candid hearer or reader of whatever sentiments I have uttered on this subject, must acknowledge that my object has continually been to affirm and even enlarge judicial authority as the sheet anchor of order and happiness, to protect property with scrupulous regard to all its rights, to confine the continually overflowing power of legislation within constitutional channels, but within those channels to sustain its current, to maintain and, if possible, gradually and cautiously to improve constitutions, as experience teaches, and to inculcate, on all occasions, that there can be no rational liberty without the empire of law.

Interested and passionate idolatry has taken charge of banks as if all their properties were sacro-sanct. Their ground seems to be sacred, while the air their questioners breathe is full of daggers. Grave and authoritative members of this Convention have treated this subject in a manner that is surprising. A gentleman so intelligent as Mr. Sill, ascribed most of the liberty and improvements of modern civilization to corporations. Mr. Forward, going one step further, gave banks the credit of those advantages. Mr. Sergeant, further still, awarded it to paper money. Judge Hopkinson considers federalism, now reviving, the great impulse of all good government, including, I suppose, that second birth of federalism, like the Governor's, whose eleven commandments, as they have been rather profanely called, strike blows at

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banks far too radical for my notions of regulation. Mr. Forward, whose letter to the people of Allegheny county recommended him to their suffrages, by denouncing excessive banking, actually pronounced an encomium, almost one by one, upon the directors of all the banks of Pennsylvania, contrasting their highly extolled virtues with the much contemned vices of politicians courting the people. That respectable gentleman must excuse my saying, that a more generous and, I have no doubt, a more profitable exercise of either professional or representative talents, would consist in just and temperate condemnation of law-breaking institutions, of which I have been accused of saying, what Mr. Denny said before me, that the administration of justice stands still and powerless before them. When a report was introduced in this Convention, last summer, by a minority of the Committee on the Currency, it was not suffered to be printed; since when, it has been published in almost every newspaper from the Penobscot to the Balize, its sentiments generally adopted, at least in theory, and Governors of many States have pressed their practical enactment upon Legislatures. Not the destruction of banks, but their regulation, with acknowledgment of their vicious system and practice, is the sentiment of all but an exclusive few, who still persist in imputing to credit and paper what is due to liberty and labor. A large majority of American presses now sanction the doctrines of a report, which, a few months ago, was decried in this assembly as a fire-brand, but is now ratified even in this benighted city. The voice of the people is not in harmony with the cry of banks. I did not wait for Presidential permission, but before the Chief Magistrate, by his recommendation, involved this topic in the delirium of politics, the report of the committee which I allude to was with deference submitted through this body to public judgment, and that judgment has exceeded my most sanguine anticipations. In States and places where, what Judge Hopkinson might call federalism, prevails, despite of party influences, the supremacy of laws, and subordination of banks, have been sanctioned by constituted authorities. The good sense of the country at large perceives and insists that regulation and limitation are not destruction, and that when evils are ascertained inconsistent with the public good, repeal of bank charters is no violation of property. Increase of coin and decrease of paper circulation are actually effected, so far as public opinion can do it. Separation of banking business from affairs of State remains to be accomplished by law, while a fortunate convulsion has established it in fact. The last and greatest consummation, repealing bank charters by act of assembly, must soon follow as a principle, the adoption of which is indispensable. Bank idolatry and professional bigotry have heretofore covered it with mystification and difficulties; but the very agitation of the question has fixed its destiny. Control of the currency, without which a State is held in bondage by banks, absolute control, free from all judicial interposition or federal restraint, is the greatest need of States, towards which the good sense of the community is rapidly tending. Far from divesting vested rights, or disparaging judicial authority, it is in harmony with all the principles of good government.

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THE

UNITED STATES MAGAZINE

AND

DEMOCRATIC REVIEW.

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THE CREDIT SYSTEM.

SECOND ARTICLE.

The November Number of our Review contained our opinions on this subject at considerable length, in connexion with two remarkable disclosures of the ultimate designs of the Philadelphia paper-money speculators, viz. the unlucky letter of Mr. Biddle, of the 5th of April last, and Mr. Carey's adroit attempt at defending its principles, under the title of "The Credit System of France, Great Britain and the United States." Our readers we hope will not regard our recurrence to this topic as unwelcome, since nothing can be so vitally essential to the public welfare, as the equal and substantial value of the measure by which all contracts are settled, and every description of property estimated, amidst the infinite variety of interchange which necessarily occurs in all civilized communities.

The attempts which have been recently made, to create a necessity similar to that of the deplorable state of affairs under which the public finances were formerly compelled to be surrendered to the practical control of private and irresponsible individuals, have not only subjected our political institutions to severe trials, but have ruthlessly destroyed the property and prospects of thousands of industrious and worthy citizens. But neither the gigantic speculations excited in 1835 and 1836, nor their issue, the total banishment of sound currency from circulation in 1837, have effected the object designed. To secure its eventual accomplishment, an entire change in the tactics of the warfare which has been unremittingly waged against the political rights of the people and the security of their permanent interests, appears to have lately taken place. The vigilance and firmness of the responsible public officers elected by the people to execute the laws having baffled the deeply laid measures concerted by the paper-money speculators, they have now undertaken to subvert the principles of justice and equal rights among the people themselves. The exhibition of their self-sufficient im-

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portance, and contempt for the people—the promulgation of opinions that the people are their own worst enemies, and in the management of important affairs are unworthy of regard and confidence—having failed, we now find these unwearied schemers professing a degree of subservience to the unrestrained cupidity of every individual in the community which exposes the rights of property to universal overthrow. We now see the devisers and supporters of the monopoly scheme of paper currency, to be alone by law receivable into the public treasury, boldly asserting the unqualified right of the whole people to manufacture paper currency which shall be received in all payments. We now witness the projectors and advocates of a tariff policy which levied heavy burdens upon those whom the fluctuations of a monopoly paper currency could not directly reach, by imposing an enormous tax upon articles of prime necessity entering into the consumption of every individual in the community, becoming all at once the great champions of free trade, and denouncing all shackles upon productive industry, and especially that most important and substantial protection afforded by a sound and equal measure of value. In short the mischievous anarchical doctrines by which the whole property of the country is now proposed to be brought into jeopardy with a design to produce the necessity for the reconstruction of the great monopoly paper-coining machine, which shall exercise irresponsible control over the American people and their institutions of government, manifests a far greater want of respect for the discernment and good sense of the community at large, than the denunciations of the "swinish multitude" at a former period.

The most elaborate and insidious appeal to the insurgent passions of unreflecting men that we have happened to meet with, appeared at the commencement of the present year, in a work recently established by the Whig party near the federal seat of government, in professed rivalry and opposition to the Democratic Review,—in the guise of a reply to our former Article, from the pen of Mr. Carey. During the prostrated condition of practical morality in England through the operation of the South-Sea scheme and the other gambling speculations of that era of bubbles, Mandeville published his famous treatise to prove that private vices were public benefits. The book being written with talent and ingenuity excited great alarm among the sober and religious portions of the community.—After the usual fashion of former days, instead of shewing the fallacy of its doctrines, those who considered them to be dangerous prosecuted the publishers for endeavouring to subvert the foundations of society. This brought the work into general notice, and gave the author an opportunity of publishing his vindication, in which he undertook to shew that the tendency of his doctrines was beneficial to society, since the excesses of men must inevitably

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lead to those precautions for the general security which constitute the necessity for government, and are the main foundations of its strength and power. The principles of this new performance of Mr. Carey might possibly have been supported by a similar exercise of ingenuity so far as respects the encouragement and justification it affords to the extravagance, immorality and vice incident to gambling,—but they proceed to an immeasurably greater length than any doctrines before published. While Mandeville only contended that the vices of individuals would in the long run be counterbalanced by the accession of strength to the body politic, the main object of the reply is to break down this strength. The destruction of all the safeguards by which the sober, industrious and honest portions of the community are protected from the consequences of the profligacy of others, is now for the first time deliberately advocated. The checks which are intended to save the innocent from becoming involved in the destruction which sooner or later overtakes the guilty, are denounced as hostile to human freedom. The whole community are in effect to be punished for the fraudulent cupidity of a few gamblers and speculators.

The doctrines contained in this reply greatly exceed, therefore, in their results, any which have been hitherto seriously addressed to the understandings of a peaceful, law-abiding and religious people in any age of the world. Were not these results carefully concealed from the observation of light and superficial readers, by a plausible perversion of language, wherever they would be likely to shock the moral sense by their transparency, we should leave this reply to find its proper estimation among the Whig party, to which it seems to be particularly addressed, without any remarks on our part. But the mode now adopted, as we have already suggested for subverting the rights of the people by attempting to poison the fountain of power, imperiously requires that every friend of public liberty should endeavour to expose such designs and prevent their influence. The corruption of the moral sense of the people—the purity and correctness of which are the main foundation upon which the success of our great experiment of self-government essentially depends—is too alarming an enterprize to be witnessed with unconcern, by any well-wisher to human happiness.

Our readers will doubtless bear in recollection that the design of our former Article was to shew that "the credit system" of this country, by confounding two things radically and diametrically opposed to each other in their influences upon industry and enterprize—mere credit and actual capital—had impaired the security of property, and had deeply affected that mutual confidence and good faith among men which is so essential to social prosperity. We traced the present credit system of this country to its corrupt origin in the intrigues of Morris and Hamilton for bringing into operation an

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irresponsible controlling power wholly independent of the people, after their plans for that purpose were defeated in the Convention which formed the Constitution of the United States.

We explained the course of management which had been pursued by the second Bank of the United States for the overthrow of the standard of value which it was one of the main objects of the Constitution to secure: and we endeavoured to illustrate the operation of the credit system of this country, and its consequences upon our productive interests, by the condition into which the people of England and France had been plunged by the adoption of a similar system.

The most reasonable feature in this reply, regarding it according to its professed import, is that not a single word can be found in it, from beginning to end, upon the principal and most important subject of our Article—the origin and operations of the credit system heretofore existing in the United States. We state this explicitly and distinctly in order that the friends of this system may first examine our Article and the performance which purports to be a reply, before they shall decide that Mr. Carey has refuted the facts and arguments contained in the Democratic Review. The reply takes up entirely new grounds—the right of the whole people to issue paper currency to be received in all payments. It commences with a flourish upon the progress of the age, and the increasing power of the people, and immediately falls into the track of our illustrations of the injurious consequences of paper currency sanctioned by Government, which we had brought to bear upon the operations of the two Banks of the United States. In effect, the credit system of the United States as managed by the banks is abandoned to its fate as totally indefensible, and a new crotchet is brought forward to supersede them.

Now, bad as we believe the management of many of the banks to have been, we think them to be far less injurious to the common welfare than Mr. Carey's substitute as explained by himself. None can be more deeply anxious to promote the progress of human improvement than ourselves. It is precisely because we wish that the great advancement which is daily developing itself may not become a retrograde movement tenfold more rapid in its pace, which shall overwhelm at once all hopes of political and social amelioration, that we desire the American people to ponder well this vital question of paper currency. Upon this rock many a gallant ship of state has already been wrecked. More poverty, misery and oppression have been created in the world by mistakes upon this question than by any other scheme of mis-government.

As the most dangerous of Mr. Carey's doctrines, because the most likely to impose upon inexperienced minds. are artfully enveloped in terms used in a sense wholly different from their ordinary signification, we regard it as an indispensable preliminary to explain,

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that several expressions of the most frequent recurrence in the reply, do not convey to our minds the ideas which he assumes to be their import. It would indeed seem from many recent instances that the *literati* of the Philadelphia paper-money school are equally bent upon the destruction of all confidence in language as well as in currency. We do not regard the circulating medium of a great producing and commercial people, as a proper subject for the indulgence of an arbitrary and frivolous play upon words, and as it is obviously impossible to discuss usefully any subject unless in language mutually comprehended between the writer and reader, we propose to state explicitly what we do not understand by several of these phrases.

1. By the term *freedom* as applied to individuals, we do not understand an absolute exemption from every restraint upon the unbridled passions and fraudulent cupidity of mankind. By *freedom of commerce*, we do not mean a scheme of legalized plunder under the pretence of the protection of industry, vainly adopted to prevent the operation of the great laws of trade upon a false and deceptive measure of value. We think the experience of the last two years has sufficiently established, that free trade, in the proper sense of the term, cannot exist either between the several States of the Union, or between this and foreign countries, except by a rigid adherence to the sound and equal measure of value established for that very purpose by the Constitution of the United States.

2. We do not understand the word *capital* to mean mere facilities and contrivances for borrowing the fruits of labor. We regard that individual only to be a *capitalist* who is the proprietor of the accumulated proceeds of labor without being indebted to the producers for the amount. Those individuals without actual property, who lavish large sums in ostentatious and luxurious display, for the purpose of obtaining the *credit* of being men of wealth, are not *capitalists* in our acceptation of the term—even should several combine, with or without a charter procured from the legislative power, under whatever pretences or management, and club their mutual obligations together as the basis of paper currency to be imposed upon a credulous community as a substitute for the only sound and equal measure of value. *Capital* is not created by law, but by labor. Paper currency may enable individuals by law to obtain the proceeds of labor without expense or exertion, but we do not regard the privilege of manufacturing it to constitute a *capitalist*—although its actual cost to the industrious and producing interests is fully equal to that of metallic currency, besides the hazard of its perishing in their hands like the manna of the Israelites, should it be kept in possession beyond the day on which it is acquired, and thereby producing improvidence and consequent distress.

3. By the term *security*, as applied to currency, we do not under-

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stand the immediate and exclusive profit and advantage of any single class of individuals whether merchants or bankers.

4. When *the institutions of the people* are mentioned, we do not understand private corporations established for individual profit drawn from the industry of the community. These two classes of institutions are entirely distinct in their objects, and are generally totally opposed in their results.

The foregoing explanations, together with a distinction we shall immediately notice which forms the staple of the reply, substantially cover the whole ground assumed by Mr. Carey for the support of his new doctrines. He admits, nay he strongly and in express terms corroborates, our views of the consequences of the credit system in all other countries. But notwithstanding it was the object of his previous publication to prove the necessity of the interposition of the Government, for the purpose of giving *confidence* to the paper currency issued by the banks, which at that time in most sections of the country was greatly depreciated, he now endeavours, with more dexterity than consistency, to make it appear that the disastrous consequences which have resulted every where in Europe from the use of paper currency, have not been owing to the people but to the governments. The great states of Europe where these melancholy results have been experienced on the largest scale are all monarchical in their forms. He accordingly insists in effect that excessive issues of paper currency can only impoverish the people under monarchies, where "the government is all in all." In a republic he contends that the universal issue of paper currency by the people cannot fail to produce the most perfect degree of security and steadiness. The fluctuations and insecurity which have been so frequently visited upon this country are wholly to be attributed to attempts on the part of our Government to imitate the example of the arbitrary sovereigns of Europe! All the distress and embarassments into which our commercial and industrial interests have been from time to time involved have been exclusively owing to the interference of the Government!

Mr. Carey, in his ardor to increase our stock of illustrations of the deplorable consequences of the credit system upon the people of the several European nations, has entirely overlooked the more immediate and striking instances afforded by the annals of our own country. Like many of our modern philanthropists, he is eagle-eyed in detecting misery and oppression in distant regions, but appears to be wholly blind and insensible to the every-day privations around him. A volume would not suffice for the description of the ruinous revulsions produced by the credit system of this country since 1791. The immediate effect of paper currency is to expel specie from circulation. Whoever possesses the power of making payments in a currency which costs nothing will never pay in a val-

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uable and expensive medium. Wherever paper currency is permitted to become the exclusive medium of commercial interchange, the whole community is placed in the power of those who make it. By arbitrary expansions and contractions they are empowered to ruin the commerce and industry of the country at their pleasure

Let us cast a hasty glance at the monetary history of the United States during last twenty years. The most terrible revulsion this country ever suffered was during 1819, 1820 and 1821, when the contraction of the operations of the Bank of the United States produced a change of ownership in the greater part of the property engaged in commercial pursuits throughout the Middle, Southern and Western States. What interference of the Government produced this series of disasters which ruined so many thousands?—In 1825 another crisis occurred, in the course of which the Bank of the United States was saved from immediate destruction only by the promptitude, address and good fortune of its President, according to his own account published to the world shortly afterwards. Numerous commercial houses of the highest credit and most extended transactions were prostrated by the suddenness and severity of this shock. Was it caused by the interference of the Government? Mr. Adams, the friend and correspondent of Mr. Biddle, was then President of the United States, and the attempt to make him responsible for this revulsion would hardly be successful. In 1828 many of the most extensive manufacturers of the Eastern States were ruined, and a great number of failures occurred in our commercial cities. Mr. Adams was still President—but a strong probability existed that a ferocious military chieftain would be chosen by the people to succeed him. Perhaps, therefore, this awful revulsion should be attributed to the Executive magistrate about to be elected. We now come to the administration of that extraordinary man whose name and public services seem to inspire calumny and detraction among the satellites of the credit system in the same ratio as his character and abilities have elevated the character of our country in every part of the world. In several passages of his reply Mr. Carey has gratified his exquisite taste and his love of veracity, by the repetition of the stale morsels of slander from the newspaper letter writers of the panic era. As the venerable individual whom they were originally intended to asperse, has retired from public life, we cannot envy the state of feeling which led to this elegant selection. The charter of the Bank of the United States would expire by its own limitation during the second term of his service, should he be re-elected. Gen. Jackson had been engaged in too many of the most important events of our history as a nation, not to have been fully aware of the destructive influence of such a Bank upon its highest interests, from the days of Morris and Hamilton. Measures were concerted to compel the people to re-

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charter the Bank in despite of the Executive veto. An enormous but gradual increase of its accommodations was every where made, in order that as many individuals as possible might be brought into dependence. After these preparations had been completed, Congress was petitioned in 1832, four years in advance of the expiration of the charter, and on the eve of the Presidential election, to re-charter the Bank. The bill for that purpose was carried through both Houses under the personal superintendence of Mr. Biddle, but received the veto of the President,—upon which every expedient which influence, intimidation or bribery could bring into operation was used to defeat the re-election of the President. The expansions and contractions of the currency employed for this purpose should of course be attributed to Executive interference, since, had the President evinced the same docility with many others, these fluctuations which caused so much individual suffering would not have been necessary. They proved insufficient. Gen. Jackson was re-elected by a greatly increased vote. He subsequently directed, for reasons which he believed to be sufficient, that the public deposites, then amounting to a comparatively small sum, should be removed from the Bank, in pursuance of an express power contained in the charter. For the purpose of compelling Congress to direct their restoration, another contraction so severe was produced by the Bank as to throw most of the other banks and the individuals dependent on them into deep consternation and embarassment. Was not this distress, then, clearly produced by the tyranny of the Government? Ought the Bank of the United States to be regarded in any other light than as the unwilling instrument used by the President to harass and ruin the merchants and speculators? But unfortunately these measures wholly failed. The Bank then in the course of only six months increased its accommodations more than twenty millions of dollars, and encouraged the other banks to a corresponding expansion. By producing a general rise of prices, from the abundance of paper currency in circulation, a multitude of preposterous speculations were inflated in every section of the Union, as well as a vast influx of importations induced from abroad. The immense amount of public lands purchased on speculation, and the duties accruing upon importations, brought into the banks in which the public money was deposited, according to the practice introduced into our political system by Hamilton, a great surplus revenue, which Congress, contrary to the advice of the President, directed to be divided among the States. This division compelled the banks to curtail their operations. Thousands upon thousands of individuals, whose expectations of profit were founded upon the increase of the previous expansion, and consequent accelerated rise of prices, found themselves at once, not only deprived of their anticipated fortunes, but of the property they had before possessed, in comply-

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ing with the calls of the banks for the repayment of their accommodations. Who can doubt but they were ruined by the Executive, when it is remembered that this division of the deposites in banks among the States was the favorite measure of the supporters of the Bank of the United States, and, like the present project of Mr. Carey, was to produce universal steadiness and security? Besides, to protect the banks, and through them their debtors from the common destruction in which the rage of gambling threatened to involve them, the President had endeavoured to prevent them from hazarding the public money, by ordering a strict compliance with the law which requires payment for public lands to be made in cash instead of bank credits as had been the practice under the government of the Bank of the United States. Was not this a flagitious interference by the Executive? Is it not justly called by the highest authority "tampering with the currency?" Who can doubt but the previous expansion was produced by the benevolent managers of the Bank of the United States, wholly from a patriotic desire to oblige their fellow citizens? And what inhumanity was manifested in endeavouring to enforce the long established laws of the land!

But unhappily, while the banks of this country were carrying on this prodigious expansion of paper currency and producing universal wealth and prosperity, the Bank of England was contracting its issues. To such a degree of scarcity was currency brought in the English market that the prices of our principal staples were suddenly reduced to less than one half of their former rates. The previous enormous importations under this state of things soon produced a large balance against this country which was required to be paid, not in paper currency, but in gold and silver—the only currency recognized in commercial transactions between nations. This produced a run for specie upon the banks of New York. They were compelled to suspend payments, and were immediately followed by most of the banks throughout the country. The credit system was at once plunged into the greatest jeopardy. Had it not been for the ingenious expedient of issuing the defunct notes of the former Bank which nobody could be compelled to redeem, the Bank of the United States must have forfeited its new charter from the State of Pennsylvania!

We have carefully examined Mr. Carey's publications for the purpose of finding evidence that this contraction of the Bank of England, which produced such disastrous consequences, was caused by the interference of our Executive with the Government of England. Unfortunately he has omitted to specify that important fact. He has assigned the importation of the foreign indemnities in gold, as the occasion of this visitation upon our banks, but unluckily the indemnities were not brought from England, and the bulk of those received from France and Naples were not remitted

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until after the adoption of its restrictive measures by the Bank of England. Notwithstanding this slight discrepancy between cause and effect, how many of Mr. Carey's readers will doubt but the suspension of specie payments was designedly brought about by the Executive for the purpose of establishing "one currency for the Government and another for the people," by means of "Sub-Treasuries, Receivers General, and Government paper?"

Having thus endeavoured briefly and of course imperfectly to supply the obvious chasm in the additional illustrations given in the reply, of the disastrous consequences of the interference of Government with paper currency, we leave to our readers to judge whether the ruinous fluctuations which within the last twenty years have swept away the fortunes and prospects of so many hundreds of thousands of our fellow citizens, have not been wholly owing to the imitation by our Government of the practices of the arbitrary monarchs of Europe.

The distinction on which the new scheme of Mr. Carey wholly rests—that excessive issues of paper currency are only destructive under a monarchical form of government, while steadiness and security are only disturbed in a republic by the interference of the Executive—is worthy of the doctrines it is brought to support. There is undoubtedly a wide difference in the practical operation of a government which employs its authority and power in defrauding and oppressing its subjects, and the theory of self-government which prevails in this country. But there can be no essential difference between them as to the proper medium of commercial interchange. The necessity for that healthy circulation which sustains industry by protecting its rewards, while its debasement and corruption paralyze the energy of every pursuit, must be the same under any system of government which is entitled to the name It is quite as ridiculous to allege that a similar paper currency is beneficial under a popular form of government, and destructive under a monarchy, as it would be to contend that the same kind of diet will be salutary to the physical system in one and poisonous in the other. Mr. Carey not only admits, but produces several examples in addition to those we had adduced, to show, that paper currency issued and received as money under the sanction of a monarchical government, whether through the medium of banks or otherwise, is a palpable cheat, and has invariably led to the impoverishment of the many for the aggrandizement of the few. But he furnishes no explanation of the mode by which these evils resulting from its uses, are to be avoided under a form of government like ours. In expatiating in vague and general terms upon the steadiness and security which he assumes will be derived from the general issue and receipt of paper currency by "the whole people," in a country where they are the controlling power, he has entirely

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overlooked the great principle of sovereignty which places them in the same position with regard to our institutions as the most absolute monarch within his dominions. Neither the continental paper issued by this country during the Revolutionary struggle, nor the Assignats of France received any increased worth from being issued by the authority of the people and for their benefit. Like every experiment made upon currency without intrinsic and universal value, from the foundation of the world—whether issued by kings or by people—by banks or by individuals—whether received for public taxes or not—whenever the amount of the continental paper or assignats was expanded beyond the aggregate of the quantity of gold and silver currency which the necessities of the people would have required for commercial interchange, had there been no paper in circulation, they inevitably depreciated. Such is the universal effect of the operation of the great laws of trade. For this reason it has been always found impossible to prevent paper currency, costing nothing, and consequently prone to excess, from becoming an instrument of fraud upon the industrious and producing classes.—Paper currency is no doubt convenient to a certain extent to the mercantile classes, but any use of paper currency is wholly a question between convenience on the one hand, and safety to the highest interests of the community on the other.

This important question has been conclusively settled by Mr. Carey in his reply to our Article. By empowering "the whole people" to manufacture paper currency which shall be received in all payments, its quality as a measure of value must be destroyed. This quality alone enables commercial men to employ it as a substitute for actual money. To enable every individual in the community to establish a measure of value for himself is therefore precisely the great improvement which according to Shakspeare, Jack Cade promised to his misguided followers. "*There shall be no more money*," was the rallying cry put into the mouth of Cade by the great painter of human motives, as calculated to produce the most powerful effect upon a desperate band of disorganizers. We do not wish, however, to be understood as receiving the account of the poet as authority as to the facts of the attempted reform of the villeinage of the feudal system which was set on foot by popular desperation in England, France and the Netherlands at about the same period. But for the purpose of illustrating the most efficient springs of human action, we may, with the Duke of Marlborough, cite Shakspeare as the best writer of English history. Had the felicitous invention of paper currency as the means of overthrowing the established institutions of society, been introduced into England in his day, the incentives for the destruction of property put into the mouth of Cade would doubtless have been similar to those used by Mr. Carey for the increase of production and the diffusion of universal plenty without labor.

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The process by which Mr. Carey seems to have arrived at this final consummation of practical agrarianism, furnishes the American people a most important lesson, which we hope will be hereafter and constantly borne in the recollection of all who have witnessed the disordered condition of the currency and the exchanges during the last two years. In his famous letter of the 5th of April last, Mr. Biddle expressed his firm determination to remain behind his cotton bags, and to prevent all the banks in the country from resuming specie payments, "until the enemy should be driven from the country"—meaning in plain language that he would continue to inflict distress upon the people and involve their productive interests in the manifold embarassments occasioned by the want of a sound currency, until our citizens should be compelled to elect rulers who were ready to recharter his bank as the means of relief, and invest it with the absolute control of the public finances. As this avowal, for the character of which we find some difficulty in selecting a suitable epithet, created no little consternation among some of the firmest but honest supporters of the Bank, the publication of Mr. Carey which occasioned our former Article appeared, vindicating the course of the banks for refusing to fulfil their solemn obligations by the redemption of their issues; and demonstrating by his ordinary mathematical formulas, that *confidence* alone, and not specie, was the true basis of paper currency. This "confidence" he asserted to be essential to enable the banks to resume their proper functions towards the community. But the main element of this "confidence" he maintained to be the countenance and support of the Government towards the banks. Until the present Administration should be expelled from power, and a new one elected by the people who would adopt the paper currency of the banks as the universal measure of value, he not only earnestly contended, but demonstrated in his peculiar manner, that the depreciation of bank paper must be continued, and the activity and prosperity of the country remain paralyzed. It was this torrent of wholesale deception which we undertook to turn into its proper channel in our former article.

Not finding it precisely convenient to encounter the positions taken in that Article, derived from the universal experience of the employment of bank currency by the great governments of Europe, Mr. Carey in the reply turns suddenly round and jumps into the identical channel of argument marked out by us, and affects to coincide entirely with our views of the destructive influence of paper currency under monarchical governments. Though the whole drift and design of his former publication was to shew the necessity of the interposition of our Government to sustain the currency of the banks by receiving it, however depreciated, in all public payments, he now discovers that it is the arbitrary interference of

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the government alone which has produced such disastrous results from the use of paper currency in Europe! Where the people are themselves the sovereign power, as in this country, he finds that unrestrained issues of irredeemable paper are universally beneficial!

Now it strikes us that there is an obvious clue to this new discovery made by Mr. Carey. A kind of management wholly different in its form and object is essential to produce unlimited issues of paper money under the two descriptions of government. An absolute king has only to authorize the issue of paper, and it is at once effected, whatever may be the interests or opinions of his subjects. But where the people are themselves the actual governing power, as in this country, it becomes indispensable first to convince them that their interests will be promoted by exposing them to this hazard. Would our patriotic fathers have tolerated the paper currency which brought upon them so many privations, had they not believed that its issue was imperiously required by their paramount interests? Assignats were issued by the French people under a similar view of the necessities of the emergency. In both instances the ultimate effects of this fraudulent system were overlooked under the pressure which existed for the immediate provision of currency to furnish the means of defence against their enemies.—Had not the evils of the system been inherent, the principle upon which the Assignats were issued afforded the strongest guarantee against depreciation. The national domain of France, possessing immense value, was pledged for their redemption, and was thrown into market for that purpose, Assignats being received in payment. In this respect they closely resembled the currency lately issued under the provisions of the Free Banking Law of New York.—The redemption of this currency is ostensibly secured by the deposite of stocks and mortgages. But whenever a period of difficulty and distrust shall arise, in consequence of the inflation of paper currency, either with or without such security, a demand for specie will take place for exportation. A panic must soon prevail. During the destruction of confidence of which we have witnessed so many instances from the same cause, it will probably be found impossible to sell the stocks and mortgages pledged for the redemption of these issues. Their discredit will then become inevitable. But even this security, insufficient as we fear it will prove, wholly conflicts with Mr. Carey's views of the advantages to be derived from paper currency. To avoid all possible imputation of overstating his present notions, we will give his language on this point. He now says:

"The steadiness and security of the currency are in the direct ratio in which the people are free to exercise the trade of Banking and the right of furnishing currency—that the unsteadiness and insecurity which have existed have been the result of the interference of Governments therewith—and that the remedy therefor was to be found in the abolition of restrictions."

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And after giving a distorted view of the legislation of some of the States—too preposterous to impose on any citizens of this country—he adds:

"New York has now gone further and has passed a general law under which all may associate for banking purposes, and for the supply of currency without application to the Legislature, so that the people of that State have now obtained almost entire freedom in regard to the trade in money. We say almost because even in that law there are regulations that will tend to prevent the action under it from being as advantageous as it otherwise would be."

Now we profess to be totally opposed to monopolies in every shape and form. We are strongly in favor of free trade in banking, and every other pursuit calculated to afford real facilities to the legitimate pursuits of industry and commerce. But every person of reflection who either possesses property or hopes to possess any, must feel after the experience of the last two years that the measure of value cannot be safely trifled with by currency doctors either with or without charters. If, in the present state of things, paper is to be issued and received in payment, its practical redemption ought to be secured by the most efficient checks. Under the operation of such checks the industrious and unprotected classes might safely receive paper currency—but without them, they should refuse every thing as currency but gold and silver. Where paper currency is practically intended to be redeemed in specie, its issue would afford a comparatively small degree of profit, to that derived from a state of continual fluctuations. The most important and useful banks in Europe have always been those which pay out no currency for general circulation but gold and silver. Even in England, oppressed as her productive interests now are by the incubus of the paper system which has grown out of the operations of the Bank of England, a large proportion of the Joint Stock Banks which within the last twelve years have arisen from the relaxation of that great monopoly, have voluntarily stipulated to issue no currency but that of the Bank of England, for which they pay the rate of interest ordinarily charged upon its loans. They have wisely preferred a dimunition of their profits to encountering the hazards incident to the redemption of paper currency during those periodical revulsions which the prevalence of the system inflicts upon every country where it has been permitted to take root. But the "right of issuing paper currency" without effectually securing its prompt redemption in gold and silver, which is evidently Mr. Carey's notion of Free Banking, is merely another name for free swindling. The design of his former publication was shewn in our former Article to be, to reconcile the citizens of this country to measures which might promote the scheme which has been long cherished, and at some periods has nearly succeeded—of banishing the use of gold and silver as currency from among the people of the United States; and not the slightest symptom of a denial of this intention can be discovered in the reply.

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As he has no where favored the public with any exposition of the mode in which he proposes to secure the convertibility of paper currency, the perfection of which, according to his former publication rests on *confidence*, and not on the assurance of its redemption in specie, we may presume, upon the avowal contained in Mr. Biddle's letter, that the design of the Philadelphia school, of pushing paper currency into exclusive use among the people, still exists, for the double purpose of defrauding all our productive interests by its depreciation, and of exercising political control by means of the embarrassments into which it enables them to involve the people. We have no great faith in Mr. Biddle's formal abdiction of political power. Though the late scenes at Harrisburg were concerted before his declaration was published, the attempt at consummating that stupenduous outrage was made afterwards. Whenever the proper degree of expansion of paper currency has been reached, a necessity will be created for the charter of the United States Bank by Congress quite as urgent as that which existe last year.

The currency to be furnished by "the whole people," which is eulogized by Mr. Carey with so much enthusiasm, seems to be simply the resurrection of the *shin-plasters* which during so long a period expelled all sound currency from general circulation. After the experience enjoyed by the public within the last two years, we are induced to believe that those who did not participate in the profits of that admirable contrivance—which it seems, in Philadelphia at least, was ready for operation in advance of the suspension of the banks—are pretty well satisfied that even the *Gold Humbug*, the subject of so many refined witticisms, is on the whole "the better currency."

It may be urged that the evils growing out of this kind of paper currency will invariably cure themselves by their very excess—that the public will not permit itself to be cheated, and its highest interests trodden under foot beyond a certain point—that every body may be permitted to issue paper currency, since no body is obliged to receive it in payment.

All this is unquestionably true. But this is not the object aimed at by the paper currency speculators. Every body now possesses the full power of issuing paper currency, but the great trouble is, nobody is obliged to receive it. A further step is, therefore, required to accomplish Mr. Carey's views. It is so trifling and easy, that its refusal may well occasion all the clamor which has been excited against the interference of the Government with paper currency. It is only to receive all paper currency, by whomsoever issued, in payment for public lands, public taxes, and public dues of every description. Any government which would refuse so small an accommodation ought, indeed, to be denounced as hostile to the banks, to the merchants, and to the people!

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Now we assent to free banking and to the right of the people to issue paper currency, but contend that it shall be left free to individuals to receive or reject it at their option. The receipt of such currency in public payments, places the whole community under the absolute control of a few speculators. Whenever our state and national legislators shall be prepared, by whatever appliances, or under the influence of whatever motives, to authorize the receipt and custody of paper currency which is not clearly and beyond all doubt equivalent to gold and silver, for paying the expenses of our public establishments, the great work of destroying the measure and value is accomplished. The universal imposition of depreciated currency then is achieved. Public creditors are compelled to accept it or get nothing—for no suits can be brought against the State or General Governments to compel the payment of their debts in the only medium recognized by the Constitution. When this degree of "steadiness and security" shall have been reached—to produce which, throughout the country, such incalculable distress, deprivation and loss have been inflicted within the last two years upon all our productive interests—who will venture to refuse paper of any or no value whatever in discharge of claims?

The peculiar insidious art of the publication on which we have thought it worth while to devote so much of our space, consists in this—that it takes up the unquestionably sound arguments in favor of free trade in banking, when organized on sound and proper principles, and attempts to pervert them to the support of the mischievous and rotten paper currency with which our country has heretofore been cursed. Mr. Carey would found his paper system on the basis of *confidence* alone, and is utterly hostile to the precious metals. The transparent object of his publication is to aid the great paper-money interests of the country in the desperate struggle they have so long been waging, to overthrow the Administration, and to counteract its policy of disconnecting itself from the paper-money system, and of introducing into its midst the regulating check of a moderate but steady demand for and circulation of specie through its fiscal action,—for the purpose of compelling the manufacturers of paper "currency," whether corporate or individual, to keep down their emissions in reality and bona-fide truth, to that equivalency to specie which they profess, as their highest merit when in their most perfect state. We have at present about the worst paper-money system in the world, and to it Mr. Carey, joining in the common partisan slang of the "hostility of the Administration to credit and commerce," would apply the abstract arguments which would be applicable to one of perfect freedom, and would denounce the "interference of government," even to protect itself from its acknowledged evils. Our views of free trade in banking would lead eventually to the circulation of a large proportion of the pre-

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cious metals, as the only staple and uniform *measure* of *value*, and would keep all the paper currency in circulation down to the standard of *real* "equivalency" and "convertibility." We would have the Federal Government conduct all its fiscal operations in that medium. Mr. Carey on the other hand would banish specie; considers a universal circulation of paper-money the best possible state of things; and while he perpetually invokes the name of *freedom*, yet by compelling the government and all public authorities to deposite the public revenues in banks, and to conduct all their transactions in paper, and by denouncing any attempt to promote the circulation of specie as hostile to that *confidence* which he makes the *Alpha* and *Omega* of his doctrines of currency, would maintain a system of exclusive paper currency practically, and to all intents and purposes, compulsory upon all classes of the community.

It can require no gift of prophecy to foresee the consequences which must result from abolishing the most essential safeguard of property, by the operation of the demoralizing influence of an exclusive paper currency upon the people. An insatiate thirst for gain, at the expense of the common welfare, would soon pervade our halls of legislation. Have not its indications already too often manifested themselves? Did we not witness, even on the floor of Congress, during the last session, a deliberate and concerted attempt to deprive the public service of the means of support in order to compel the public officers to accept the depreciated notes of the Bank of the United States, in payment for its bonds to the United States? While we are writing this, we notice the introduction of a resolution into the Legislature of one of the Western States, which will probably be adopted, declaring the right of its citizens to pay for public lands in the paper currency issued by that State, and asserting that the currency so received ought not to carried out of the State for expenditure, since in that case the public creditors might require its redemption in specie, or its equivalent. Whenever the people of the United States shall have generally adopted such notions of their rights and obligations, a universal competition cannot fail to arise between the several States for increasing their respective issues, with the view of depreciating their own paper currency at the expense of the others. Jealousies and disorders of a more formidable character than any we have recently seen cannot fail to spring up, and every day will increase their aggravation. The period will not then be far distant when those who have enjoyed the plunder which a general state of pecuniary embarrassment has enabled them to extort from the productive classes, will probably evince the same predilection as that described in our former article, for the organization of a strong government. This will be advocated on that occasion as the only effectual remedy for the very evils which its projectors have endeavoured

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by such an infinite variety of expedients to bring upon the country. The vigilance, patriotism, and courage of those noble spirits by whose counsels and exertions our independence was achieved, prevented this result when the nation was before brought to the verge of anarchy by the abuse of paper currency. A specimen of the policy which will doubtless be adopted by the friends of the paper money system, was recently displayed in Pennsylvania, in an attempt, which was concerted under the influence of the Bank of the United States, for seizing upon the government of that State by fraud, sustained by military force. Happily this force was not composed of mercenaries, and the citizen soldiers of that State could not be made subservient to this suicidal project. And yet the contrivers and upholders of an experiment in legislation similar in principle with those performed by Cromwell and Bonaparte, are hypocritically declaiming against the evils of a strong government!

The concentration of the experience of all ages, that legalized fraud leads to violence, is furnished by the origin and result of the French Revolution. Dr. Bowring, in his reports upon the public finances of France, made to the British Parliament under a special commission, officially states, upon the highest authorities, that it was the disordered condition of the finances which overthrew the monarchy. This condition was undoubtedly brought about by the use and consequent abuse of paper currency, first introduced by John Law. The Republic, in its turn, was destroyed, mainly by the issue of Assignats in the name of the people, and the anarchy which this currency of the people produced subsequently enabled Bonaparte to establish his stupendous despotism.

Have speculators like Mr. Carey, and those who adopt their opinions without reflection, ever asked themselves, what is the office for the performance of which government is established and maintained? The habit of denouncing Government for enforcing those laws which have interposed obstacles to the success of their schemes, seems to have wholly blinded them on this question. So far as writings and speeches are evidence of feelings, they appear to be ready to involve society into its original elements. The public interests are made the subject of jest and amusement. Not only is the enforcement of laws essential to the existence of organized society resisted; but where violations of public duties of the most flagrant character have been exposed, impunity is attempted to be given to such offences in future, by preventing the adoption of efficient remedies.

These individuals seem to have wholly forgotten that government is mainly established for the protection of the just rights of property against the invasions of fraud or force. Among a peaceable and commercial people, this protection is most essentially and practi-

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cally exercised by a rigid adherence to an equal and impartial measure of value—which in our country was so wisely established by the Constitution of the United States. Excepting such unfortunate persons, either with or without souls, as may have incurred a greater amount of debt than they possess means of payment, measured by the existing standard of value, every class of society is vitally interested in its sacred preservation. Perhaps we ought to add another exception—those who have purchased property for the purpose of sale at an advanced price, who may hope to increase their nominal gains by the depreciation of the measure of value.

But should the security and permanent prosperity of the whole community be sacrificed for the exclusive benefit of these two classes? If an individual, in whatever condition of distress, knowingly offers false coin for the purchase of the necessaries of life—or a dealer lessens his weights or measures of capacity, for the purpose of increasing his profits—such individuals are denounced as guilty of frauds upon society, and are justly punished by its penal laws. But those who depreciate the measure ordinarily employed in the transactions of property, between man and man, by making it more plentiful, and consequently less valuable, than the constitutional standard, were that exclusively in use, are not merely tolerated, but held out as benefactors of society. Instead of being punished by law, as happens to those who commit trifling invasions upon the security of the community, laws are passed for the purpose of enabling them to perpetrate fraud, not merely with impunity, but with secrecy, and upon a scale so magnificent as to invade all the pursuits of life. Mr. Carey insists, that "the people will not use bank notes unless they are satisfied that the gain on the one hand is equal to the loss on the other." Where has he lived for the last two years? Does he suppose that within that period every person who received bank notes in payment instead of gold and silver, has been induced to do it from absolute preference for the former? Has not specie been expelled from circulation as currency, and become the subject of purchase and sale, at a large premium, by the combined action of those whose interest it was to keep paper currency at a depreciation? Besides, on this principle, why punish an individual for uttering counterfeit money—its acceptance being wholly voluntary? No one is compelled to receive it in payment, unless the gain on the one hand is equal to the loss of the other! Nor is any body compelled to purchase by short weights and measures. A grocer who buys a hogshead of sugar as a thousand pounds, might sell it for fifteen hundred pounds, by simply diminishing his weights. Why should he not be permitted to do so as well as the speculator, who purchases a thousand lots of land at two hundred dollars a lot, who combines with others for the purpose of increasing the issue of paper currency, by which he is

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enabled to sell them at three hundred dollars a lot? There is no moral difference between the two operations, excepting that the latter, by affecting the transactions of the whole of society, is incalculably more injurious to its highest interests. Yet the individual who reduces the intrinsic weight of the measure by which he retails his sugar, is brought to condign punishment as a cheat, while the person who reduces the actual value of the dollar, by increasing the paper currency in circulation 30 or 40 millions in six months, is complimented and eulogized as a "great financier!" Into such strange confusion have notions of right and wrong become involved in the minds of many intelligent persons, that while they denounce an act as fraudulent in an individual, if the same act is perpetrated by a powerful corporation it becomes praiseworthy in the highest degree!

Mr. Carey says, "the many desire to see the powers of the government diminished, and trade released from the shackles which have heretofore been imposed." We will not inquire as to the fact alleged, since it wholly turns upon the signification of the word *many*. The shackles to which he refers are those imposed by a settled measure of value. As he professes to speak in the name of the Whig party, which comprises many honest and well-meaning individuals, we would take the liberty of suggesting for the consideration of that portion of the party, whether, before adopting the measures advocated by Mr. Carey, for the total overthrow of the standard of value, upon the prospect of which he so warmly congratulates them, whether it might not be advisable to begin by releasing trade from the shackles imposed by a uniformity of weights and measures. The consequences of this release would be trifling, compared with the effect upon all property, by allowing every individual to fix the measure and value for himself. By way of trial it might be best to ascertain the effect of abolishing the small protection afforded to the industrious and unprotected classes by the standard measures for commodities of subsistence, before undertaking to subvert the main foundations of property among civilized communities.

We have thus far regarded Mr. Carey's expressions, repeated throughout his performance, as to the steadiness, security, and advantages to be derived from paper currency, issued by "the whole people," to have been intended, in good faith, to convey the meaning indicated by the ordinary acceptation of the terms. But from his constantly referring to the currency of New England, and of the Bank of the United States, as instances of such paper currency, it seems most likely that the phrase "the whole people," is used but as a mere figure of speech. He probably intended only the currency of banks, and possibly the currency alone of the Bank of the United States, agreeably to the suggestion contained in Mr.

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Biddle's Princeton Address, quoted in our former Article. We are not aware that this restriction upon the signification of the term *people* will affect the inferences which prove the disastrous consequences of issues of paper not converted, nor truly convertible, into specie. All experience shows that some more efficient means of enforcing this redemption, which shall prevent undue expansions of paper currency, which injures the usefulness of sound banks, by encouraging profligate speculations, is essential to the general protection. "The advantage of combined action," set forth by Mr. Carev, as the most powerful and salutary element in all operations of paper currency, happens, according to the recent experience of this country, not to be the advantage of the industrious and unprotected classes, but the emolument of those who combine to involve the productive interests in embarassment, for the purpose of preying upon the fruits of industry. Such combined action, which, if resorted to by the laboring classes, would be called by the harsher name of conspiracy, must inevitably make such a system of free banking, as is plausibly pretended would produce universal steadiness and security, a tremendous engine of swindling. Those banks, upon which such repeated eulogiums are bestowed, throughout both the original publication and the reply, were mostly established, not for the purpose of loaning actual capital, but for the purpose of borrowing it by the issue of paper currency. Those who have associated for this purpose were rarely men of accumulated capital, with the use of which they were willing, for a moderate remuneration, in the shape of interest, to accommodate commercial enterprize and manufacturing industry. On the other hand, they were generally such as wished to draw a revenue from the capital and industry of others, by the skilful management of credit. During periods of general confidence and prosperity, the temptation of exchanging inordinate amounts of their paper currency, bearing no interest—which is subsequently received at the same cost, and in lieu of substantial value, by the producers and holders of capital—for the obligations of their customers, on which interest is paid, and by this means producing fictitious capital, has always proved almost irresistible. Combined action is extensively resorted to for the purpose of fostering and sustaining this hollow and fraudulent system, by the operation of which interest is extorted from the industry and enterprise of the community, without the employment of capital. The abundance of this kind of currency, in time, causes it to return for redemption. The customers of these banks are either ruined by suddenly enforcing the payment of obligations, in order to furnish the means to redeem their issues, or they prove unable to pay the holders of their currency, and the loss falls upon the productive classes, among whom it circulates It is this system of building credit upon

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credit, that has produced so many destructive revulsions within a few years past, which have been invariably attributed to the measures of the Government, by those who have enjoyed its profits, as well as by their thoughtless victims. The supporters of this profligate system of gambling, have endeavoured to sustain its reputation among those who have been the sufferers by its operations, both by systematic attacks and indirect sneers upon the government of the people. So many barefaced attempts to embarass its operations have been brought into play by the combined action, which Mr. Carey applauds with so much zeal, as to have, apparently extinguished, in many quarters, every such antiquated sentiments as patriotism and love of country.

Having now laid before our readers at considerable length our ideas of the consequences of the doctrines advocated by Mr. Carey, those who took the trouble to examine our former Article may expect us to furnish his view of it. This we do in his own words, for we scorn to imitate the unfairness of which his reply is a continued instance from beginning to end—of perverting the language of a performance which we undertake to criticise. He says:

"We were at first disposed to attribute all the erroneous views offered by this "writer to the consideration of his readers to a want of honesty, but are now more "disposed to attribute it to the absence of any acquaintance with the principles of "trade or Banking. He has collected a large quantity of *true and false facts*, and "has put them together, apparently without much regard to the effect they were cal-"culated to produce, whether for or against his friends, and the consequence is that "his article is much more likely to establish a conviction of the danger of increas-"ing the power of the government over the currency, than of the propriety of yield-"ing to it what has been so pertinaciously insisted upon."

Now we frankly concede to Mr. Carey superior information in "the principles of trade and banking." Our instruction not having been received in the Philadelphia paper-money school, we must acknowledge our ignorance of its higher mysteries, excepting those which have been disclosed in the productions of Messrs. Biddle and Carey. Whether we have not endeavoured to atone for our deficiencies by the study of their writings, with a desire to understand their bearings and consequences, we leave to be determined by others.

As to our collection of *true and false facts*—our want of knowledge of this deep and important distinction must be attributed to want of instruction as to the mode by which the Philadelphia school distinguish a *true fact* from a *false fact*. It may be trivial or important, but a *fact* is neither more nor less than a *fact* with us. A great favor would be conferred on the uninitiated, if the professors of that brilliant school would explain, when they assert *facts*, when *false facts* are intended. This would doubtless have saved much of the time employed upon this Article.

Whenever doctrines however wild, extravagant, or destructive to the best interests of society, are to be supported, no difficulty seem

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to occur, under the practice of this school, in finding *facts* in abundance for their justification. It would afford many readers great satisfaction with regard to the personal integrity and character for veracity of its professors, if they would be pleased to furnish the public with an indication of the *kind* of facts intended, in order to avoid all imputations of wilful deception. In the reply before us, we could easily point out a multitude of *false facts*, but our limits will not allow us to elucidate them in the manner required to show the style of manufacture. We take a single instance which we have selected from a mass of the same kind with which Mr. Carey usually embellishes his productions, not on account of its importance, but from the insight to be derived from it with regard to the elaborate process by which a *false fact* is got up, and the plausible and imposing manner in which it is maintained.

In our remarks upon the credit system of England we undertook to show that its enormous political corruption had led to the general impoverishment of the people. While the few had been enriched and aggrandized, we stated that the many, that is, the laboring classes, "are now reduced to a condition far more deplorable than the serfs of Poland and Russia, since the general diffusion of knowledge only serves to render the former sensible of their entanglement in the political spider's web wound about them by the credit system, and to convince them that nothing short of revolution can extricate them, by breaking at once these artificial restraints upon their means of comfort." This statement Mr. Carey does not venture to deny, since it is amply established by Mr. Marshall, an authority of so much reputation on these subjects, that all reference to his works is most discreetly avoided by Mr. Carey. He, however, mutilates the forgoing extract in his usual mode, and adds the following, by way of proving its inaccuracy:

"We have before us a report from the commissioners on the revisal of the poor-laws, in which we find answers from 856 parishes to the question, 'what might be earned by a laborer, his wife, and five children, aged 14, 11, 8, and 5 years?'

856 parishes give for the man an average of	-	£27	17s.	10d.
688 do. do. wife and children	-	13	19	10
		£41	17	8

being equal to $201 04 for the support of an agricultural laborer and his family. This sum does not yield him the same comforts that could be obtained with a similar amount in this country, because food is much dearer; but on the other hand, clothing and house-rent much cheaper. A careful examination of the condition of the laborers of England and of the United States would satisfy the reader that the difference in the reward of their services does not exceed 15 per cent., yet it suits the purposes of the reviewer to inform us of their *degraded condition*!"

Now, this interesting *fact*, showing that there is but 15 per cent. difference in the actual means of comfort and independence between the laboring classes in England and those of this country, has been ostensibly extracted, parish by parish, from the voluminous reports

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of the Poor Law Commissioners. So accurately and fairly has this been performed, that the results are given to a single penny. But what is the *true fact?* Why that there are ten thousand parishes—and among them a number greater than the aggregate from which Mr. Carey has derived his fact, where the estates of great proprietors include a whole parish. A wealthy individual, who employs the whole laboring population of a parish, frequently gratifies his vanity, or his beneficence, by great liberality to his immediate dependants. Other parishes comprehend or are in the neighbourhood of large and flourishing towns. The rate of remuneration, paid in such parishes is the falsest criterion that could be devised, as to the rate of wages paid in the 9,200 or 9,400 which are entirely unnoticed. The truth as to 600 or 800 parishes becomes palpable falsehood, when taken as evidence of the condition of the whole. We decline to follow Mr. Carey's example, in undertaking the labor of showing, from the returns of the parishes, which he has so carefully omitted, the true average wages of the laboring classes. Generally it does not exceed from six to eight shillings a week, taking the families of agricultural laborers, who are by far the most numerous. As to their *degraded condition*, we feel reluctant at placing before our readers a piece of evidence of the highest character, from the same reports, which the suggestion that their condition is very nearly as elevated as that of the bulk of our own citizens, induces us to bring forward, not only to rebut his statement on that point, but to enable our readers to perceive, what is apparent to every one who reads his performance, the low estimate he has formed both of the understandings and morals of the American people. We take the following, *verbatim*, from the report of John W. Cowell, Esq., a gentleman who has been for two years past in this country, as Agent for the Bank of England, and who is favorably known here for his intelligence, integrity, and ability. He says—

"It may almost be affirmed that the virtue of female chastity does not exist among the lower orders of England, except to a certain extent among domestic female servants, who know that they hold their situations by that tenure, and are more prudent in consequence. Among the residue, all evidence goes to prove that it is a nonentity. A daughter grows up—she learns what her mother was—she sees what her sisters and neighbours are—finds that nobody thinks the worse of them, and that nothing is expected of herself, and that there is a short road to marriage or a maintenance."

Did this appalling picture of the moral condition of the bulk of the English nation, meet the eye of Mr. Carey, in his investigation into the Poor Law Reports, and did it convey to his mind no idea of degradation? If such be the condition of the purer sex, to what degree of demoralization must not the other sex have reached! Such are the inevitable results of that terrible system which is always fatal to all the elevating sentiments of the heart, and which

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has destroyed public spirit, as well as private morality, in all communities where it has gained the ascendency. Those American citizens who estimate purity of conduct and the decencies of social life, at their proper value, must judge whether they are willing to place their posterity in the condition of the people of England, whether *degraded* or not. But for the corrupt facilities arising from the introduction of the paper system, explained in our former article, the public debt of Great Britain, which has brought her laboring classes into this situation, could never have reached one-tenth of its present amount. Those States of the Union which are heedlessly incurring enormous masses of debt, for the gratification of the cupidity of speculators, to support which the whole community will hereafter be compelled to bear immense burdens of taxation, to be paid to its present holders, at home or abroad, will do well to meditate upon the present condition of England. Notwithstanding the large army employed to keep its laboring population in subjection to the laws, disturbances of the public peace, and destruction of property by wanton burnings, are affairs of frequent occurrence, upon an extensive and organized scale. The established order of society is in constant jeopardy, from the wild and ungovernable passions of the people, driven to desperation by the contemplation of their own necessities, contrasted with the luxurious affluence of the few who enjoy the fruits of their labors Before the credit system is allowed to fix itself deeper upon the vitals of our political bodies, let its advocates well consider the consequences of their rash cupidity.

The apprehensions with these consequences must excite in every enlightened mind, are by no means alleviated by the systematic prostitution of the language of economical science, to the designs of a few gamblers and speculators, for the purpose of facilitating the execution of their unwearied intrigues against the permanent welfare of the community. No well-informed person can read Mr. Carey's publications, without constantly discovering statements which create alternate astonishment and dismay. Indeed he appears to be not altogether free from these emotions himself when he happens to find any of his opinions out of his own writings. His reply contains the most extraordinary specimen of complaint on the part of any author that was ever heard of —which strikingly illustrates the complacency with which a mass of absurdities may be regarded by minds of a certain texture, while the individual instances which form this mass are each too revolting to be received. In our former Article we quoted a passage from his publication, precisely as it was there found, even to the words in italics. Its glaring absurdity was so tranparent, that we expressly stated that we should leave its meaning to be *guessed* by our readers—it was the remarkable passage where Mr. Carey

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emhpatically affirms, that prices would rise by the diminution of currency. Now he complains—not that we have misquoted him—not that we have suppressed a syllable necessary to the understanding of his statement, for we actually gave the whole passage—not that we have made comments calculated to mislead the reader as to its true interpretation—but "that the reviewer desires to have his readers believe that it is asserted that prices *always* rise in proportion to the scarcity of currency." Having fairly left our readers to guess for themselves, we must be permitted to say that we conceive ourselves to be treated with great harshness, in thus having our secret desires unceremoniously dragged forth to the gaze of the world! This strange assault upon the signification of a fair and accurate quotation, from his own work, is perfectly in character with his other complaints of our quotations. There are some half a dozen, and in every instance an explanation quite as conclusive might be made, did our time and space permit us to follow up such small game. We particularly regret that we are unable to elucidate the details given by Mr. Carey, as to the condition of France, for the purpose of invalidating the force of our statements, which he has not undertaken to contradict. A counterpart of the explanation of the *degraded condition* of England might be easily made on that subject. The preposterous libel upon the honesty and integrity of the whole manufacturing and mercantile men in France, is now charged by Mr. Carey upon M. Chevalier, who adduces in its support, according to the reply, "the captain of the French discovery-ship Favorite." What a remarkable discovery-ship!

The system of the New England Banks is again the subject of unmeasured approbation in the reply, but no allusion is made to the explanation of the process by which they were compelled to restrict their issues to their means of redemption, which was given at length in our former Article. To this process these banks have entirely owed, during the last fifteen years, their usefulness, and the confidence of the community. This important suppression was the foundation of a mass of *false facts*, and equally false inferences, in Mr. Carey's former publication, as we abundantly demonstrated from the authority of the reports made to the Legislature of Massachusetts last winter. The repetition of these facts and inferences in Mr. Carey's formal reply, without the slightest regard to the conclusive refutation furnished in the Article to which the reply is directed, indicates a persevering determination at deception, which appears extraordinary in any individual, of whatever standing in society, who undertakes to give information to the public upon questions deeply affecting its highest interests.

As we have never been initiated into this marvellous distinction made between *true* and *false facts*, we take the earliest opportunity to correct an oversight which occurred in our former Article, and

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which escaped notice until after the Number had been published. We had introduced, at the commencement of our remarks upon the failures of the banks of New England, on 226th page of the volume, a qualification, extending the period to which we referred in describing the extent and consequences of these failures, to the period of thirty years, instead of the twenty-five carefully adopted by Mr. Carey. The omission of the line containing this qualification affected the precise accuracy of our statement—since these five additional years were intended to include the tremendous crash which occurred among the banks in every section of New England in 1808, 1809, and 1810, as well as the explosions which happened in 1837 and 1838. The disasters of the former period resulting from the false confidence and the over-banking which had previously existed, brought a torrent of abuse upon the government at that time, quite equal to any thing to be found in either of Mr. Carey's publications. The banks in New England were almost wholly under the control of Federal politicians. The disturbed condition of our relations with the belligerent powers of Europe, and the measures adopted by our government for the protection of our neutrality, enabled these politicians, by their control over the paper currency, and consequently over the subsistence and industry of the people, to excite great public discontent. So alarming were the distress and dissatisfaction which they succeeded in fomenting throughout New England, that John Quincy Adams, then a leader of the Federal party, and a member of the Senate of the United States from Massachusetts, thought proper to inform President Jefferson, that the Federal party had entered into a treasonable arrangement with the British Authorities in Canada, for the separation of the States, and the creation of a Northern confederacy. About the same time Judge Story succeeded in so effectually alarming the Democratic members of Congress, by his confident statements that civil war would inevitably break out in New England, unless the restrictive policy adopted by the government for the security of our commerce was rescinded, that this great and salutary measure was abandoned at the point of time when it has since become well known that the British government had felt themselves compelled, by the privations imposed upon her colonies, to accede to our just demands. Had the embargo been persevered in a few months longer, no individual acquainted with the real state of affairs at that period, can fail to believe but the subsequent recourse to war for the vindication of our national sovereignty, would have been wholly obviated. It was at this period of depression and distress that Mr. Webster published that famous pamphlet inciting the people of the Eastern States to resist the laws by violence, of which he was compelled to avow himself to be the author, when under cross-examination upon the trial of his prosecution against Gen. Lyman for a libel, because the latter had stated, in one of the

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Boston newspapers in 1828, that Mr. Webster had co-operated with the individuals stigmatized as traitors by Mr. Adams, in his extraordinary publication on the eve of the Presidential election of that year—and which prosecution so signally failed.

The most efficient agency in producing this deplorable state of public feeling throughout New England, was wielded by the banks They had been established in all quarters, in imitation of the credit system of Great Britain, and had by degress been enabled to engross the control of all the currency in circulation. Their managers as fully understood the principle of "combined action" as Mr. Carey, for the purpose of obtaining power, and at the same time increasing their individual profits, through the infliction of privations upon the industrious and producing classes, and throwing the odium of the measures pursued by them upon Government. Considerations of common justice—of national honor—and of permanent security for our foreign and domestic commerce—were equally disregarded in their measures, as in those more recently pursued. To such a pitch was this policy finally carried, that the confidence of the banks in each other was finally destroyed. A degree of embarrassment was produced, which greatly exceeded that of the revulsion inflicted by the operations of the Bank of the United States, upon the Middle, Southern and Western States, in 1819, 1820 and 1821. A single instance, out of many which might be mentioned, will fully illustrate the advantages of the right of furnishing paper-currency free from all security for its redemption—which occurred, too in the State of Rhode Island, whose policy in regard to banking, .s so extravagantly lauded by Mr. Carey, as a near approacn to his *beau ideal* of currency. The Farmer's Exchange Bank, of Gloucester, failed early in 1809, with nearly seven hundred thousand dollars of its notes in circulation. On examination by a legislative committee, the whole amount of available assets to meet this enormous sum was found to be eighty-six dollars and some odd cents. Its currency to the amount of eight hundred and fifty thousand dollars had been exchanged for valuable property, by the individual who had obtained the control of the bank, but who was ostensibly neither president nor director. This vast issue had been made upon his obligations to the bank, which on their face left the period of payment to his option, and in fact afforded no indemnity whatever to the public. During the three or four years preceding the war, the actual loss to the industrious and producing classes in New England, from the failure of banks, reached several millions of dollars. To promote the political dissatisfaction which we have explained, the banks in the large towns had previously curtailed their issues, after having monopolized the principal amount of metallic currency—and had left the channels of circulation, throughout that section of the country, to be filled up

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with such currency as was afforded by the Farmer's Exchange Bank, the Berkshire Bank, the Hillsborough Bank; the Hallowell and Augusta Bank, and numerous other swindling institutions in each State. The banks in the large towns universally refused to receive this currency, and the principal merchants invariably declined it, because it could not be deposited with them. The losses accordingly fell almost entirely upon the industrious and unprotected portions of the community.

By the rigid system of curtailment previously adopted by the banks which survived, they were easily enabled to maintain specie payments, when the banks in every other part of the Union suspended in 1814.

The over-sight which has led to this explanation, does not call on us to expose the *false facts* alleged by Mr. Carey, as to the control exercised by "widows and orphans" over the banks of New England. It would be easy to shew that the seductions of this system, of which he so often boasts, are grossly exaggerated in his publication But after occupying so much space for the purpose of restoring our original statement to its integrity, and showing its bearing upon the banking system of New England, so much lauded in almost every page of the reply, we must return to Mr. Carey's suggestion that we have—

"Collected a large quantity of true and false facts, and has put them together apparently without much regard to the effect they were calculated to produce, whether for or against his friends, and the consequence is much more likely to establish a conviction of the danger of increasing the power of the government over the currency, than of the propriety of yielding to it what has been so pertinaciously insisted upon."

In another part of the reply he says:

"The *Democratic* Review is an advocate of an extension of the power of the government over the currency, and of a diminution of the power of the people."

And again:

"It has been so uniformly the practice of governments to retain the control of the currency, that even of those who are friendly to the credit-system, a large proportion cannot conceive of steadiness in the absence thereof. In favor of regulation there are, therefore, the advocates of Executive power, like our *Democratic* Reviewer, and all those who are accustomed to think because it has existed, that its continuance must be necessary."

We have placed these passages from different parts of the reply together, and but for the trouble of copying them might have collected a dozen others of similar tenor, for the purpose of requesting our readers to examine them, and ask themselves what was the object and import of the several speeches upon the currency, delivered by Messrs. Clay, Webster, Southard, Davis, Crittenden, Merrick, Bayard, Robbins, &c. in the Senate, during the special session and the last session of Congress? We cannot refer individually to the tempest of eloquence which issued from the House of Representatives, which was apparently as full of wind on this subject as the cave of Eolus of old. Did not every one of these distinguish-

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ed persons insist that the General Government not only possessed the power of interfering with the paper currency, but that it was its imperative duty to do so for the relief of the people? We strangely misunderstood Mr. Webster's celebrated speech which was stereotyped by the hundred-thousand, and sent into every part of the Union, at the expense of the Bank of the United States, if its whole drift was not to demonstrate this power and duty on the part of the General Government. We well remember that Mr. Clay assailed the President in unmeasured terms, during the special sessisn, for expressly disclaiming all power and jurisdiction in the General Government over the subject. In the message at the commencement of the session, it was strongly affirmed that the domestic interchanges among the people should be managed by themselves, according to their own interest and convenience. On this point the President explained his views of the Constitution at length, and with great clearness and effect. Up to the close of the last session, the Opposition orators in both Houses of Congress were importunately clamorous for the interference of the government with the currency, as the sole means of relief for the people, from the embarassments occasioned by the suspension. Now after the firmness of the Executive has compelled the banks to resume their duties to the community, and the confidence which their profligate management had destroyed has so far returned as to produce a general revival of commerce throughout the country—there comes a juggler from the Philadelphia school, professing to be the organ of the Whigs, and with a single stroke of his magical wand, totally reverses the relative position of the parties during the last two years! Whether the distinguished leaders of the Opposition in Congress to whom we have referred, are ready to adopt the doctrines of the President, as stated in his message at the special session, has not yet appeared. The Jim Crow evolution in which Mr. Carey has with so little ceremony involved them, seems rather too quick in its movement, and the "turn about" rather too rapid to be consistent with senatorial dignity.

As to ourselves, we deny now what we denied in our former Article, the existence of the right in the General Government to interfere with any currency whatever, excepting gold and silver, the power over which is expressly granted in the Constitution. And it is a specimen of the fairness of Mr. Carey's reasoning on this subject, that while the very phrase which, by common consent, used to embody the general policy of the present Administration, in relation to the public finances, carries with it the idea of the total disconnection of the union heretofore existing between the Government and the banking system, he undertakes to designate the advocates of the "*Divorce of Bank and State*," as the friends of a strong governmental influence and control over the business of banking, and the trade in money.

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VINCENZIO THE VENETIAN.*

CHAPTER I.

You ask for a story—I can tell one which nobody else knows, and which is a very true one, too, though it may well, perhaps, produce a shudder. It relates events long ago, very long ago, past—when none of us had yet seen the light. The source from which I have derived it leaves me no uncertainty about its authenticity, and while in Venice I have visited the very spot which was the theatre of its principal occurrences.

It was at Venice, on a carnival night, in the year ——. Around the gigantic columns of the Buondelmonte palace were crowding a multitude of gondolas, whose sombre hue contrasted strikingly with the brilliant illumination of the peristyle. From all these gondolas sprang a stream of joyous guests, who gaily ascended the flight of marble steps; while the interior of the palace was resplendent with light and magnificence.

Within, without, all was enchantment. All that Venice contained of noble, joyous, and lovely, was collected in that assembly, where the eye was charmed with the lustrous hues of the richest silks, and the air was deliciously loaded with the most exquisite perfumes. Here, a splendidly served table extended its invitations; there, the harmonies of music and the sounds of the dance were heard in the distance. And the women!—beaming with that beauty which the pencil of Titian can alone portray, the women displayed throughout the scene the most elegant attires. Every century had contributed to their costumes. Glittering with diamonds, graceful and light in every movement as the silk that enrobed them, inspired with the triumph of their charms, they completed the brilliancy of this festal scene. Through the midst of an atmosphere of light, the crowd circulated slowly from room to room, terminating in a retired saloon which must particularly engage our attention.

This magnificent apartment was consecrated exclusively to play. The sound of the shuffling of cards was mingled with that of the dice, which were rolled from the boxes upon tables of porphyry

* This exceedingly clever tale is translated from the French, from Le Palamede, a Monthly Magazine devoted to the subject of Chess, published at Paris by M. de la Bourdonnais, the most eminent known chess-player of the age. It is from the pen of Mr. G. Walker, a distinguished English player. The ingenious manner in which a number of beautiful positions in Chess (of which the solutions will be given hereafter,) are interwoven with the story, will give it a peculiar interest to all the votaries of that noble game—if we may not be permitted to call it a *science*; while its interest for miscellaneous readers is quite independent of that circumstance

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and agate, bending under the weight of the gold and jewels collected in heaps. The silence was only broken by the loud and lengthened sound of the sequins which attentive pages threw down by the handful, or which they gathered up in massive piles, to drop them into the velvet bags from which they were soon again to come forth. Such were the confusion and disorder of these riches, that Satan himself might have paused to enjoy that spectacle; and such, in a word, was the profusion spread out before the eye, that one would imagine himself transported into one of the caverns of Aladdin, or at least among the hidden treasures of some Sultan of Ind. We are votaries of Chess;—entirely devoted to that noble game, our attention ought to direct itself chiefly to one table. There, on that magnificent pedestal, inlaid with silver and ebony, upon that table of ivory and jasper, are marshalled in battle-array the silent warriors of the field. The two rival chiefs who direct the combat deserve a special examination. Let us give them a moment's attention.

That young man of twenty, who has the Black, saw the light at Venice, and his birth makes him the equal of the noblest families of the city. His name is Vincenzio di Guadagnaro. As remarkable for his elegance of mien and his careless extravagance, as for the impetuosity of his passions, he is also possessed with a desire to render himself distinguished in the science of elegant Epicureanism, gallantry, and Chess. At the present sitting, he has already lost, to the adversary with whom he is at this moment engaged, his treasures, his jewels, and his palaces. Having nothing left to stake—reduced to play on his word alone—it is his honor that he is defending; for if he has the ill fortune to lose, he will be bound to-morrow to pay a greater amount of gold than he has yet lost—and he has nothing left! If he fail to redeem that pledge, farewell for him to life and its pleasures!—and from the paleness of his brow, it is easy to guess that he is revolving the sole alternative that remains to him. Let him lose this last game, and the first ray of to-morrow's sun will not find him a living man.

But who is that mask that is playing against him? It is a woman,—a being of adorable loveliness, to judge from her arm and hand, from her rounded shoulders and her neck of ivory. Yes, it is indeed an enchanting woman, the princess Buondelmonte, the giver of the festival—in a word, the queen of fashion and of beauty. One would suppose her made but for love and tenderness, but at this moment it is with neither of these sentiments that her heart is throbbing. An impassioned thirst for vengeance, the rage of an inveterate hatred, the swelling pride of a splendid triumph—such are the emotions that are convulsing her soul, and which cause her such an agitation that her fingers can with difficulty remove the pieces from the chess-board. On both sides the sentiments are the

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same, and either player would drink, drop by drop, all the heart's blood of the other, with that intensity of enjoyment that an Italian alone can appreciate and understand.

The spectators, in profound silence and breathless attention, are grouped around the players. In the midst of the circle stands a tall figure, bearing all the appearance of a man; a mask conceals his face. This strange being, with his arms folded across his breast, and leaning against a column, follows attentively the march of the princess's game. This figure is a Gnome. It is not Satan in person, but a demon of an inferior rank, like the demon of the Hartz Forest, only younger, and therefore less experienced. Mocking spirit, of the Mephistopheles order, he had recently left the infernal abodes to make the tour of Europe; and having stopped at Venice to witness the festivals of its carnival, he found himself so charmed with all that he saw, that for a moment he fancied that he had missed his way and had got into heaven.

The farther the game proceeded, the more poignant were the emotions of the players. Vincenzio made the most desperate efforts to conceal his convulsive anxiety; but a sweat of icy coldness bathed his forehead, and his pallid countenance was of the whiteness of marble. However, he retained still the strength to concentrate all his faculties upon the game, and so well mastered his agitation that he played with consummate skill a long series of moves, and proved himself worthy of engaging in combat with her who at Chess knew no rival.

The princess Buondelmonte was not without uneasiness about the fate of the game. Her adversary's pawns presented a formidable front, and his Queen, after taking a Knight, threatened her with a check-by-discovery. She had the Whites, and it was her turn to play. Her eyes fixed on the board, she reflected long, and despair seized her heart as she believed that she was lost beyond remedy, and that Vincenzio had once again escaped her snares and baffled all her wiles. Such was the position of the game:

White.—King at Queen's third square; Queen at King's second; Pawn at King's Bishop's sixth.

Black.—King at King's Knight's square; Queen at King's Knight's sixth; Bishop at King's sixth; Pawns at the following squares: King's Rook's second—King's Knight's third—King's fourth—Queen's fifth.

Suddenly, the supernatural being approached the princess, and, as was afterwards suspected, murmured a few words in her ear. and, springing up on her seat, she was near fainting with joy, when, by a skilful countermarch, in ten moves she gave *checkmate*.

Vincenzio did not utter a word, but rushed from the apartment. The beautiful Buondelmonte turned to thank the stranger. He was no longer there, although no one had perceived his departure!

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Two hours later, on that same night, Vincenzio was walking alone on the Rialto, with all the fires of hell in his heart. To die, he felt as nothing,—but to die without vengeance! Was he not reduced to beggary? This woman, had she not ruined him? Alas, when their mutual passion had expired,—after Vincenzio had, to please her, drunk deeply of the cup of crime,—when for her he had done every thing—this woman, had she not betrayed, despised, forgotten him? Was it not she who had conducted his father to the scaffold, and caused his brother to be imprisoned in the dungeons of the State? Himself, had it not been a struggle of hatred between her and him during the last two years? Had not his abhorrence of this woman led him to the point of longing to plunge his poniard in her heart? Oh, how fearful a struggle was raging in his soul, when a stranger touched his arm.

"Away!" cried the impetuous young man—when at a glance he recognized in the person before him the officious friend of his adversary; and then, as if his fury had found an issue of escape, Vincenzio, swift as thought, bared the blade of his stiletto, and inflicted with it a terrible blow upon the man whom he deemed his foe. A burst of laughter replied to this attack; and Vincenzio, stupefied and bewildered, remained lost in astonishment. But soon shaking off this trance, and retiring against one of the pillars that supported the balustrade, he exclaimed: "Who are you?"

"Men give me the name of Astaroth," replied the stranger. "But what harm had I done you, that you should give me so rough a reception? It was not I that won your gold this night. But I confess your loss is cruel—a very cruel one! Life and vengeance were the stakes of the game, and you have lost!—But perhaps you have some resources left?"

"Alas, no—all is lost!" replied Vincenzio, with a groan of anguish; "even honor!"

"Honor! a pretty word on your lips! And where was your honor, when, but an instant ago, your poniard sought the life of an unarmed friend?"

"Such is the reception that a Guadagnaro has always for impertinent intruders. But you call yourself my friend—by what title? What can you do for me, you whom nothing can daunt? Answer, mysterious man, whom all bespeaks of a nature different from my own!"

"I intend to save you," replied Astaroth.

"To save me—it is too late! You cannot undo the past, and for the future I care little!"

"I offer you the accomplishment of all your wishes. Do you wish to avenge yourself, Vincenzio?"

"To avenge myself! You offer me vengeance! To avenge myself on the Buondelmonte! Oh, give me her flesh to devour!

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Give me her blood to drain drop by drop! Say—speak! Oh, whoever thou art, answer me!"

"What then has become of your passion for her? You once worshipped her, that woman,—and to-day ——"

"Silence, phantom! Answer, or begone! Dost thou promise me vengeance?"

"Yes; but listen with patience. I will give you all that you can desire. Your vengeance shall even surpass your utmost hope. Thine health, riches—thine a brilliant life—thine every thing!—but on one condition—do you wish to know it?"

"No, by my soul, I do not. Not a syllable more! Thou hast been able by a word to soften the recollection of my misfortunes; bring me not back again, then, to the earth! Oh, if thou wert indeed a supernatural being ——Well, then ——"

"And if indeed I were a being superior to mortals, would you accept my offers on these conditions?"—and Astaroth murmured some words in Vincenzio's ear in a low voice.

Vincenzio did not quiver an eye-lid; for a single instant only his countenance grew pale; but presently, making a violent effort, he answered with a firm voice:

"I swear! And so help me Heaven and St. Ignacio!—I consent to every thing. But once more—vengeance! vengeance!"

"Your resolution charms me," replied Astaroth. "All the time that is assigned to me to fulfil my mission on the earth shall be consecrated to you. To-morrow, young man, you shall see the accomplishment of my promises. Now, retire to your palace, and may your sleep be brightened by dreams of happiness."

"What, Astaroth, you leave me already!"

"Adieu, Vincenzio, adieu for ten years. Continue to adore the bewitching Buondelmonte; and in remembrance of our interview, permit me to throw over your neck this trifling pledge of my affection."

Vincenzio then felt something like a heavy chain fall upon his shoulders. It was a necklace of superb sapphires. He raised his eyes—he stood alone on the Rialto.

Slowly he regained his palace; and this night, eventful as it was, deep were his slumbers, delicious were his dreams.

Vincenzio awoke with the dawn of day, and with his awaking came the recollection of the preceding night. His first motion was to look for that chain which Astaroth had thrown over his shoulders, and which had remained there, when, exhausted by so many various emotions, he had sunk down upon his couch. The chain of sapphires had disappeared, and it was with horror that he observed around his neck the deep impress of a circular band. This band showed red and black upon the whiteness of his skin, as if it

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had been engraved there. Vincenzio shuddered, for that fatal mark appeared to him as if the seal of his infernal compact! But the lord of Guadagnaro did not possess an ordinary spirit; and strange as it may be, his strongest emotion at that moment was an inexpressible sense of happiness. He was certain that his hour of vengeance was at hand. He sprang therefore from his couch, and his first glance fell upon immense coffers filled with gold. Venetian sequins, of the finest purity, glittered before his eyes, mixed with ducats, which did not change into dust in his hand, as he had at first for a moment feared. One might have supposed that Pactolus, with its waves of gold, had in passing through his chamber forgotten these miraculous treasures. But Vincenzio, was he thinking of that gold which he grasped by handfuls, and covered with kisses? Was he enjoying the possession of such vast riches, as he rolled in the midst of sequins and ducats? No; it was his approaching vengeance that alone caused the wild tumults of his joy.

On the top of the gold was a parchment containing the conditions of the dark personage, conditions accepted by Vincenzio, and which were already registered in hell. Such was the principal clause of the contract; our Venetian had pledged himself to play three games of Chess with Astaroth, and an interval of ten years was to elapse between each of these games. Should our hero win or lose, a hundred years of an existence full of joy and happiness were granted to him, independently of the twenty summers that he reckoned already. A single one of these games won or drawn destroyed the compact, and guaranteed Vincenzio against all punishment in the next world. But, on the other hand, should he lose the three games, he was indeed to enjoy his hundred years on the earth; but then, horrible alternative!—the flames of hell through all eternity.

The pages of Vincenzio carried to the Buondelmonte palace all the gold that he had lost. His enchanting and adorable enemy was sadly grieved at the sight of such vast treasures; and I regret not to be able to relate in detail what passed between her and Vincenzio. All the information I can give you is, that three days after this interview a fisherman drew from the canal a corpse which, by its long and beautiful hair, even before a sight of its features, was recognized as that of a woman. It was in fact the body of the princess Buondelmonte, but so horribly mutilated, and so far decomposed, that if on the preceding night she had not been seen at a banquet given by the Doge, it might have been supposed that her corpse had remained a month under the water. How had that misfortune happened? Who could be her murderer? Such were the questions men asked each other in vain, in the midst of a profound stupefaction.

Some weeks after, the palace of the Buondelmontes had become

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the property of Vincenzio di Guadagnaro. Soon his joyous humor, his generosity, his wit, and his goodness of heart, were everywhere spoken of, and drew down the most flattering praises. No one gave more splendid festivals, nor more brilliant soirées; nor did any one display in the dance more grace and lightness. The charm of his conversation and the courtesy of his manners rendered him soon the idol of Venice. The highest nobility of Italy assembled around him, and more than one timid and tender heart sighed in secret to wear his chains. Vincenzio did not, however, devote all of his time to pleasure, but he understood, in the highest degree, the art of carrying out in practice the "*Carpe Diem*" of the ancients; he loved, above all, to cultivate his mind, and placed his highest glory in meriting the praises of the learned. Devoted particularly to the game of Chess, from all quarters of Europe he would invite to his palace the most renowned masters of that noble game. All that accepted his invitation were magnificently entertained; and the players that proved skilful were sure to find all their desires gratified. By force of practice, our hero finally became the equal of the first masters, if indeed he did not surpass them. His happiness was at its height, and he beheld as it were the world at his feet. His deportment with women was unexceptionable; they had never the slightest wrong to complain of at his hands,—unless it be that when it became the fashion to wear the collar low, and falling over the shoulders, Vincenzio refused to adopt this innovation, and continued as before to wear a very high and upright collar

CHAPTER II.

In those days, as in the present, time flew rapidly. Vincenzio, who was now close upon his thirtieth year, experienced a sort of vague uneasiness, as he saw the fatal period arrive that was to bring on his encounter with Astaroth.

It may be thought strange, perhaps, that the demon had exhibited so unusual a degree of liberality towards our hero; but Astaroth was a demon of the third order, and Satan in point of craft and wiles could easily have given him the odds of pawn and two moves. Perhaps, too, there might have entered into his constitution a sufficient proportion of that of man, to make similar adventures a matter of amusement to him;—and, besides, who can say what extravagances the caprices of these supernatural beings may not commit?

Astaroth had made rather an extravagant bargain; but Vincenzio was not, after all, a prey to be despised. He was an *esprit-fort;* and far from trembling at the idea of the approaching visit of his dark adversary, he prepared himself courageously to give him a good reception. Though young in years, he was old in experience,

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and if his hand was practised in filling and emptying the goblet, his arm knew well, too, to wield the battle steel; more than once had he distinguished himself against the Turks, for the defence of Christianity. The portals of science had opened before him, and the sages of Arabia and of Grenada regarded him as their favorite pupil. I ought not, however, to omit to mention that Vincenzio had had a difficulty with our holy mother the Church, and had even fallen into the hands of the Inquisition, for having dared to maintain that damnable heresy, that the earth revolves around the sun! But the power of gold had cleansed him from that mortal sin; and he took very good care, at least in public, no longer to manifest an opinion so absurd.

"But, after all,"—thus reflected Vincenzio—"may it not be possible that this Astaroth, if he is indeed a supernatural being, was only amusing himself with a little jest, and may have entirely forgotten me? Within ten years, he must have seen so many things, and traversed so many different countries—how can he have retained the recollection of so trifling an adventure? However, let him come—I await him—and nothing in the world should induce me to shrink a step before him. We will play; he cannot deceive me; the contract was made after the laws of men, and it is as a man that he must execute its conditions. But, what an idea!—let me call in the aid of our Venetian cunning! Let us see, at our coming encounter, how far he approaches the nature of man. I have read somewhere that the spirits of darkness are mortal at certain times, and are invulnerable only at other periods of their existence. And, moreover, the ducats that I have received from him were certainly material enough—why may not himself be the same? He cannot be of a purely ethereal nature, else how came it that my dagger, after piercing his garments, was only repulsed by his skin, harder than steel? God knows, it was not my fault that my blade did not penetrate farther. We shall see! Meantime, I am determined that on my side no chance of success shall be neglected. Though I should lose, it would be but one game in three; and within the space of ten more years, with the advantage of the experience of this first trial, I shall have time enough to find out some means of triumphing over him. Come, come then, my good friend of the other world, the field of battle is not your own yet!"

Vincenzio gave his favorite page, Montalto, numerous instructions, without betraying his great secret;—and then he awaited calmly the bursting of the storm. He had not to wait long.

At the Buondelmonte palace, the most illustrious personages of Venice were seated at a sumptuous banquet, and the gaiety had mounted to its highest pitch. The bursts of laughter of Vincenzio resounded through the saloon, when Montalto handed him, from a stranger who was awaiting him in his cabinet, a collar ornamented

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with precious stones. It was the chain of sapphires which he well knew already. "The devil confound him!" muttered Guadagnaro; and then, politely begging his noble guests to excuse his abrupt departure—"Remember my instructions, Montalto," he said as he left the room; "the hour has struck, and the man is come!"

"Here I am," said Astaroth, as he saw Vincenzio enter; "I was afraid you might have forgotten the period of my visit. A lapse of ten years destroys attachments and friendships more intimate than ours. Is your chess-table ready? Let us make haste, for in four hours I am expected in India."

At a sign from his master, Montalto placed before them a chess-board, and the mysterious being sat down to play with his victim. The countenance of Vincenzio was firm but sad. He had more than once met death face to face; but at this moment it was against the angel of death himself that he had to engage. He began by examining the countenance of Astaroth, whose features at their former meeting had been covered with a mask. The expression was there to be seen of pride and of scorn, with a mixture of nobleness and even of beauty. Upon his pale lips played a spirit of sarcasm, and his smile was full of irony and malignity. His eyes flashed such a fire that Vincenzio could scarcely endure its brilliancy. He appeared to be in the very prime of life. He offered Vincenzio the advantage of the move, which he accepted without hesitation, and the game commenced.

Do you know that celebrated picture, the master-piece of one of the greatest painters of Europe,—I mean the picture of Retsch, in which Satan is playing at Chess with a man, who has his soul staked upon the game? Such was about the physiognomy of our two antagonists; and I might venture to assert that they possessed a still deeper interest. The youth in the picture exhibits in his countenance such an expression of gentleness and innocence, that even with the assistance of the angel by his side, he seems scarcely capable of a struggle against his adversary.

Our two players had essayed but a few moves, when Vincenzio ordered refreshments to be brought. Immediately Montalto offered them, in golden goblets, the sparkling liquors of Chios and Xerez. To the astonishment of our hero, Astaroth emptied all the cups that were presented to him; and under the apparent influence of these generous wines, the infernal spirit redoubled his laughter and his jests. But, alas, poor Vincenzio! the more freely Astaroth talked, the more profound were his combinations. The page still continued to fill his goblet, and the demon still to cry—"Holà! page, wine!"

Montalto was overwhelmed with astonishment, and crossing himself devoutly, he exclaimed apart: "What may this man be? The first cup that I presented him contained poison enough to be the

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death of a hundred, and yet he still continues to ask to drink! Most assuredly this man has taken some counter-poison, or some other protecting antidote. Since my master's stratagem is thus baffled, well, I will put into execution the plan I have myself conceived."

"This wine is delicious," said Astaroth; "but still it does not please me as much as the first. Vincenzio, have you any more of that which you first had poured out for me?"

Vincenzio, agitated with deep anxiety, was about to reply, when he heard a burst of Astaroth's infernal laughter. The page had just brought down a terrible blow of a battle-axe upon the back of the head of Astaroth.

"What mean you, fair page?" said the demon; "if I were of as delicate a complexion as your master, you might have prevented me from continuing the game.—Oh, wretched mortals! Wo to whosoever has to do with you, if he be not proof against fire, steel, and poison!"

Montalto rushed from the apartment, and addressed I know not how many vows to the Virgin, if he should live till the morrow. The game continued with various fortune. Vincenzio brought out his whole skill, whereas Astaroth, as he played, scarcely seemed to pay any attention to the march of his pieces.

"You have much improved," he at last remarked, "since that night that I saw you play against the princess Buondelmonte. You have indeed acquired a great deal of practice. But take care! if you place your Knight on that square, as you intend, you will be forced to lose it."—"I am indeed lost," thought Vincenzio—"the demon reads my very thoughts!"

The chance seemed, however, to turn against Astaroth. He exposed one or two pieces in succession, which he lost, and our Venetian almost flattered himself with an expectation of success. Infatuate! his adversary was but mocking him! Astaroth made still several sacrifices which Vincenzio was compelled to accept; and by this manœuvre he scattered the pieces of his enemy. The King was left unguarded. The demon remained with only two miserable pawns and a Bishop, against the Queen and the principal pieces of the board; but Vincenzio perceived that this series of sacrifices was the result of scientific manœuvring and profound calculations; and presently, what was his consternation on perceiving that he was under an immediate checkmate which it was no longer in his power to avoid. Such was the position of the players:

White.—King at Queen's Bishop's fifth square; Bishop at King's sixth; Pawns at Queen's Rook's third, and Queen's Knight's third.

Black.—King at Queen's Rook's fourth square; Queen at King's Rock's sixth; Rooks at King's Bishop's square, and at King's Knight's square; Knights at King's Bishop's sixth, and at Queen's Bishop's square; Bishop at King's fifth Pawns at King's Bishop's fourth, and Queen's Knight's fifth.

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Astaroth had the White, and in three moves he gave checkmate. This devil was truly worthy of being a member of the Chess-Club of Paris!

The sensations of Vincenzio were those of a man awakened from sleep to be conducted to the scaffold. "In ten years we shall meet again," cried Astaroth to him, as he disappeared like the wind. Vincenzio rolled over the floor of his apartment, uttering the wildest cries of despair.

[TO BE CONCLUDED IN OUR NEXT.]

TADMOR OF THE WILDERNESS.

BENEATH the arch of Eastern skies,
  On Syria's barren wild,
Where oft the scowling sand storm flies,
  And hides the desert child,
How beautiful to catch the sight
Of Tadmor's mountain's purple height.

And while the flush of evening glows
  Upon the western sky,
Unequalled by the blushing rose
  Where Sharon's zephyrs sigh,
How sweet to hear the camel train
Come tinkling home across the plain.

Gigantic loom the 'desert ships,'
  As steadily they come,
While joyfully the Kabyl skips,
  Along his houseless home,
And shakes his spear with child-like glee,
And cries,—"the boundless waste for me!"

The boundless waste, the fruitless sea,
  Where scorching rays are cast,—
The steed that with the wind can flee,
  When danger gathers fast,—
The scanty tent, the brackish spring,
And night that comes with jewelled wing.

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The solitude where foot prints die,
  And prowling lions tread,
Where caravans of wealth sweep by,
  In watchfulness and dread:
And sink to sleep, and wake to know
That Ishmael is still their foe.

And now behold from towering hill
  The howling city stand,
In silver moonlight sleeping still,
  So beautiful and grand,
No sadder sight has earth than this,
'Tis Tadmor of the Wilderness.

Half buried in the flowerless sand,
  And whirled by the eddying blast,
Behold her marble columns stand,
  Huge relics of the past;
And o'er her gates of solid stone
The sculptured eagles front the sun.

Palmyra! thou wert great indeed,
  When through thy portals passed
The Persian on his weary steed,
  And found a rest at last,
From Samiel's breath, and war's alarms,
Beneath thy tall and waving palms.

Zenobia, mistress of the East,
  In glory rested here,
'Neath yonder porch she held her feast,
  While Satraps bowed in fear;
And oft the silver strain came up,
While Bacchus filled her golden cup.

And here she oped her portals wide,
  And called the wise around,
And hither in her days of pride
  The sage a refuge found;
And Arab chief and Rabbin hung
On gray-haired wisdom's silver tongue.

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When Rome's fierce thousands hither came
  O'er yonder sands she fled,
And here returned in grief and shame,
  A sovereign captive led;
While loud her people's wail arose
Above the shouts of conquering foes.

And when the gleaming cohorts flung
  Their banners o'er thy head,
And cymbals clashed and clarions rung,
  Before Aurelian's tread,
Then died thy race, and sank thy towers,
And desert lightnings seared thy flowers.

Emesa! when thy bowers of green
  Received the Roman horde,
The legions called for Tadmor's queen,
  And bared the glittering sword;
And she to shun that cruel death
With bloody roses soiled her wreath.

Yes, he, Athena's wisest one,
  By royalty betrayed,
Bowed down beneath the Syrian sun,
  And felt the tyrant's blade;
And now upon the plain he sleeps,
While science bending o'er him weeps.

Zenobia! when thy name shall die,
  And Tadmor sink in gloom,
When fierce Aurelian's dust shall lie
  Forgotten in the tomb,
Still history's pen shall trace his fame,
And glory gild Longinus' name.

In ancient times thy walls were laid
  By Israel's wisest King,
And hither came the sons of trade
  Their richest gifts to bring;
With Nineveh and Babylon
Thy regal state thou didst put on.

On the bleak hill now stand thy tombs,
  As silent as thy towers,
And there the owl his gray wing plumes,
  And there the jackall cowers;

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And west wind's sigh, and Simoom's wail,
Through thy tall pillars tell thy tale.

Sleep on, thou Oriental Queen,
The slumber of the dead,
No palm majestic waves its green
Above thy marble head;
Amid thy courts the cricket sings,
And startled echo wildly rings.

The Arab saunters down thy aisles,
Or careless turns away,
The earthquake rocks thy giant piles,
And lightnings round thee play,
But morning's dawn and evening's close,
Awaken not thy dread repose.

J. E. D.

EARLY AMERICAN TRAVELS.*

FATHER HENNEPIN.

FATHER HENNEPIN is one of the earliest travellers in our "Great West" whose accounts of their adventures have come down to us. In his dedication of his travels to William III., of England, he states that "having lived eleven years in the Northern America, I have had an opportunity to penetrate further into that unknown continent than any before me, wherein I have discovered new countries which may be justly called the delights of the new world. They are larger than Europe, watered with an infinite number of fine rivers, the course of one of which is above eight hundred leagues long, stocked with all kinds of harmless beasts, and other things necessary for

* A New Discovery of a vast country in America, extending above four thousand miles, between New France and Mexico, with a description of the great lakes, rivers plants, and animals; also the manners, customs and languages of the several native Indians; and the advantage of commerce with those different nations. With a continuation giving an account of the attempts of the Sieur La Salle upon the mines of St. Barbe, to the taking of Quebec by the English; with the advantage of a shorter cut to China and Japan. Both parts illustrated with maps and figures, and dedicated to His Majesty King William. By L. Hennepin, now resident in Holland. To which is added, several new discoveries in North America, not published in the French edition. London. Printed for M. Bentley, J. Tonson, H. Bonwick, T. Goodwin, and S. Manship. 1698.

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the conveniency of life, and blessed with so mild a temperature of the air, that *nothing is there wanting to lay the foundation of one of the mightiest empires in the world.*"

A native of Flanders, "a strong inclination to retire from the world, and regulate his life by the rules of pure and severe virtue," induced him to become a member of the mendicant order of St. Francis. The voyages and travels of the brethren of this order which he now read, excited in him a strong desire to travel, which was gratified in a degree by a visit that he paid to Italy. On his return, the Bishop of Ypres appointed him preacher to a convent in Hainault, but a year afterwards he was gratified by being sent to mendicate at Calais. Returning by way of Dunkirk, he derived great pleasure from listening to the stories of the sailors at that port. He says: "I used often to skulk behind the doors of victualling houses, while the seamen were giving account of their adventures. The smoke of tobacco was disagreeable to me, and created pains in my stomach while I was thus intent upon giving ear to their relations, yet, nevertheless, I was very attentive to the accounts they gave of their adventures by sea, the perils they had gone through, and all the accidents which befel them in their long voyages. This occupation was so agreeable and engaging, that I have spent whole days and nights in it without eating." And he adds, that 'he thus fortified himself more and more in his ancient resolution.'

Passing over his residence in Meastrich, his attendance upon the wounded in the battle of Seneffe (A. D. 1674) and his other services to the army, we come to the period when his warmest wishes were gratified by his receiving orders to repair to Rochelle, and accompany Francis de Laval, then Bishop of Petrée, *in partibus infidelium*, to Canada. During the voyage out they had several engagements with the fleets of Turkey, Algiers, and Tunis, witnessed "with incredible delight" a fight off Cape Breton, between the fish called *espadons*, and their natural enemies the whales, and took vast quantities of fish off Newfoundland, meeting great numbers of vessels coming there to fish. They had divine service daily in fine weather, and after evening prayers they sung the Itinerary of the clergy in French. "Thus (says our worthy father) we sweetly spent our time aboard till at length we arrived at Quebec, the capital city of Canada." He thus derives the name of this country: "the Spaniards were the first who discovered Canada; but at their first arrival having found nothing considerable in it, they abandoned the country, and called it *Il Capo di Nada*, that is, the Cape of Nothing. Hence, by corruption, sprung the word Canada."

His fellow voyager, Laval, being made Bishop of Quebec, appointed our author preacher in Advent and Lent to the Cloister of St. Augustin in the Hospital of Quebec, and he spent four years in

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Canada before setting out on his great missionary journey to the West; the greater part of which time he employed in various excursions into the country, frequently visiting Three Rivers, St. Anne's, Point Levi, and the Island of St. Lawrence, to preach to the Indians. In the winter, a large dog drew his baggage, and he slept with no other covering than a cloak, the intensity of the cold obliging him to rise five or six times in the night to renew his fire, to prevent his freezing to death. Add to which that his "commons" were often "very short" and we must admit that his sufferings in these four years formed an excellent schooling for his future labors. On one occasion he penetrated through the country of the *Honnehiouts* and *Honontages* [Onondagas] to within "a large day's journey" of New Holland, called at present "New York." Subseqeuntly he accompanied another missionary to Fort Frontenac on Lake Ontario, where he caused a house and chapel to be built, and erected a large cross. Whilst here he spent much time in reading voyages, and learned much from the savages in relation to the country to the South; of which he concludes, "that it would not be a matter of great difficulty to make considerable establishments to the South-east of the great lakes, and that by the convenience of a great river called the Hois, which passes through the country of the Iroquois passage might be made into the sea at Cape Florida."

Lake Ontario ("the pretty lake,") or Frontenac, called also in the Iroquois language Skanandario ("a very pretty lake,") he describes as of an oval figure, extending from East to West. "Its water is fresh and sweet, and very agreeable to be drunk, the lands which border upon it being likewise very fertile. It is easily navigable, and that with great vessels; only in winter it is more difficult, because of the outrageous winds that abound there."

Having in two and a half years established the missionary establishment at Fort Frontenac to his satisfaction, Hennepin left it in charge of his brother missionary, father Biusset, and returned to Quebec to prepare for his great undertaking, a voyage of discovery to the West. At Quebec he was joined by some Europeans who had arrived to accompany him, Flemish, Italians, and Normans. With the blessing of his Bishop and the approbation of Count Frontenac, he set out in a birch canoe, leaving his comrades to follow and join him in the brigantine when they were ready. Of this, a portable chapel formed part of the lading. After some time the brigantine arrived at Fort Frontenac, and Hennepin having embarked, they started up the lake on the eighteenth November, 1698, Early in December they arrived in Niagara river, and drew the brig on shore to prevent its destruction by the ice, which came down with great violence from the Falls. Of this our author gives the following description: "Between the Lakes Ontario and Erie there is a vast and prodigious cadence of water, which falls down after a

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surprising and astonishing manner, insomuch that the Universe does not afford its parallel. 'Tis true Italy and Suedeland boast of some such things, but we may well say they are but sorry patterns when compared to this of which we now speak. At the foot of this horrible precipice we meet with the river Niagara, which is not above a quarter of a league broad, but is wonderfully deep in some places. It is so rapid above this descent, that it violently hurries down the wild beast, while endeavouring to pass it to feed on the other side, they not being able to withstand the force of its current, which inevitably casts them headlong above *six hundred feet high.* This wonderful downfall is composed of two great cross streams of water, and two falls with an isle sloping along the middle of it. The waters which fall from this outrageous precipice do foam and boil after the most hideous manner imaginable, making an outrageous noise, more terrible than that of thunder, for when the wind blows out of the South, their dismal roaring may be heard more than fifteen leagues off."

At the mouth of Niagara river they erected a store-house to preserve their goods, and, lest their designs should be misunderstood, sent an embassy to the Iroquois in the neighbourhood. Of this party Hennepin was one, and he gives a detailed account of these voyages. He considers the Indian politeness of assenting to every thing proposed, a great obstacle to their conversion, it being impossible to get at their real sentiments. He charges them with cannibalism, and states, that with a view to impress upon their children the hatred of their enemies they give them blood to drink in little porringers of bark.

In January M. de la Salle joined them from Fort Frontenac, but the vessel containing the rigging for the vessel they purposed building above the Falls of Niagara, was lost on the southern shore of Lake Ontario, two leagues from the Niagara river, through the ignorance of the pilots. On the twenty-second they proceeded by land to a point two leagues above the Falls, where they constructed a dock for the construction of their vessel. M. la Salle now left them to return to Fort Frontenac by land through the wilderness. Shortly after, the savages formed a plot to burn the rising vessel, but our voyagers received notice of their design from an Indian woman. To add to their difficulties, one of the crew made several attempts to run off, and endeavoured to seduce the carpenters to accompany him to New York; the prevention of which our author ascribes to the good advice which he gave the men on holydays, reminding them that the glory of God was concerned in their enterprise. The ship, the first which ever floated upon Lake Erie, was at length completed, and named the Griffin, the supporters of Count Frontenac's arms being griffins. Three guns were fired upon this joyful occasion, a *Te Deum* was sung, and the Iroquois who were present

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received some brandy. It was a vessel of sixty tons, and astonished the natives with its size and speedy completion. They called the party *Otkon*, which signifies, says Hennepin, *most penetrating wits.*

Our author was now obliged to return to Fort Frontenac to procure the assistance of two monks of his order for the ecclesiastical services of the expedition. He set out, accompanied by a Spaniard who conceived himself ill used by *M. de Tonti*, left in command by La Salle; and having carried their canoe around the Falls of Niagara, they proceeded to the south of Niagara river, where they found a brigantine come from Fort Frontenac to exchange brandy for beaver skins with the savages; "but (says our good Father) I must confess that his commerce of strong waters was never acceptable to me, for if the savages drink but a little too much of that liquor, they are worse and more dangerous than madmen." In this brig they returned to Fort Frontenac, where he found four Franciscans, of whom two, *Gabriel de la Ribourde*, and *Zenobe Mambre*, set out with him the following June. On arriving at the dock where the ship had been built, they found that it had sailed, but proceeding on they discovered it within a league of the pleasant Lake Erie. It was well rigged and fitted out, carrying five small cannon, three of which were of brass, and there harquebuses. A flying griffin, "*with an eagle above it*," adorned the beak. A difference with La Salle, now again in command, had nearly induced Hennepin to give up his journey, but La Salle having come to him with refreshments, and desired a reconciliation, he was easily pacified, owing to "the great desire he had to discover a new country."

After experiencing some difficulty in stemming the current of the Niagara, on the seventh of August, 1674, they entered Lake Erié, (which, from the accent on the last letter, appears to have been pronounced in three syllables, and is a softened word from Erigé or Eriké, a cat,) a lake, "perhaps, from East to West, a hundred and fifty leagues in length, but no European has ever been over it at all; only I, and those who accompanied me in this discovery, have viewed the greater part of it." Carefully sounding all night, they went on rejoicing. On the tenth, they entered Detroit river and cast anchor. Next day they sailed farther up this strait, "and passed between two small islands which made one of the finest prospects in the world." The fertility of the country excited their admiration. Hills covered with vineyards bounded the prospect. Walnut, chesnut, plum, and pear trees abounded; and they found the country well "stocked with stags, wild goats and bears, which are good for food, and not fierce as in other countries; some think they are better than our pork." Turkey cocks and swans were also common; and other beasts and birds of unknown names, but "extraordinary relishing."

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Here Hennepin was anxious that La Salle should plant a colony, representing to him the advantages which the situation held out for trade, but having at heart the preaching of the gospel to the ignorant nations round about. La Salle would not listen to this advice, but told Hennepin that he was surprised at his proposal, considering the great zeal for discovery which a few months back he had exhibited.

Passing through the lake to which they gave the name of Saint Claire (called by the Indians *Otsi Keta*) and which he describes as being "far less than any of the rest, and of a circular figure, about six leagues in diameter, according to the observations of our pilot," they entered, on the third of August, Lake Huron. This name is derived from the Hurons inhabiting its banks, who are thus named from having "their hair so burned that their head resembles the head of *a wild boar*. The savages themselves called it the Lake Kareguondy." Its circumference he estimated at about seven hundred leagues, its length two hundred, but its breadth very unequal.

Steering north-northwest they crossed a bay called Sakinam [Saginaw], which he computes to be thirty leagues in breadth. A storm overtook them on the night of the twenty-fifth, which increased in violence on the following day. Knowing not whither to run for shelter, they suffered their ship to run at the mercy of the wind. M. la Salle, though a man of courage, declared that they were undone, and all, falling on their knees, betook themselves to their prayers, the pilot excepted, whom they could never compel to pray. He cursed and swore all the time at M. la Salle for "bringing him hither to make him perish in a nasty lake, and lose the glory he had acquired by his long and happy navigations on the ocean."

The wind having somewhat abated, they hoisted a sail and got to *Missilimakinak* [Michilimackinack], where they "anchored in a bay at six fathoms water, upon a slimy white bottom, a bay sheltered by the coast and a bank from the southwest to the north, but exposed to the south wind, which is violent in that country. The Hurons inhabited the point of Missilimakinak, the Outtaourts (Ottawas) dwelt to the north of them. The former, who were acquainted with fire-arms, and who had learned that a discharge of them was the greatest mark of honor amongst Europeans, favored the voyagers with a salute. Fish and Indian corn formed the ordinary food of these tribes. Those living on the "Superior Lake" sowed no corn, the fogs stifling it, but subsisted chiefly by hunting and catching white-fish. Some of the men went into the country to trade, and did not return until November, but M. la Salle having learned that the navigation of Lake Illinois [Michigan] was dangerous in winter, felt constrained to set sail on the second of September, without them.

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Lake Illinois, Hennepin informs us, means "the Lake of Men, for the word Illinois signifies a man of full age in the vigor of his strength." He estimates its length at from one hundred and twenty to one hundred and thirty leagues, its breadth at forty leagues. He adds, that the Miamis call it Mischigonong [Michigan.]

At the mouth of the Bay of Puans [Green Bay] they landed, on an island inhabited by some of the Poutouatamies, where they found some men who had been sent out the year before by M. la Salle, to trade with the natives, impatiently waiting their arrival. The chief of the Poutouatamies, who had been in Canada, and who held Count Frontenac in great respect, received them with much kindness, and had the *Calumet* dance performed before them. A storm, which shortly after arose, enabled this brave chief to give them another proof of his good will, for seeing the ship tossed by the waves, and not knowing it had strength to resist them, he ventured out to their assistance in a little boat. Having got on board, he told them he would at any time risk his life for the children of *Onnontio*, the name given by the Indians to Count Frontenac.

Of the origin of the name of the Bay of Puans, Hennepin gives this account: "The savages who now inhabit the land surrounding this bay had deserted their former habitation, because of some *stinking* (in French *puans*) waters towards the sea, that annoyed them."

Here M. la Salle, without consulting any one, resolved to send their vessel back, "laden with furs and skins, to discharge his debts." The pilot and firemen sailed in her on the eighteenth of September. It was afterwards learnt that they came to anchor to the north of Lake Michigan, and were advised by the Indians to sail near the coast, but the cursing pilot refused to hearken to them, "who," says Hennepin, "generally speaking, have more sense than the Europeans think at first;" and would steer as he pleased. A storm overtook them, and they were heard of no more, to the especial grief, doubtless, of La Salle's creditors.

On the nineteenth of September our voyagers left the island to continue their voyage, fourteen men in all, in four canoes, and shortly encountered a storm in the night. They contrived to get ashore on the next day, and had to wait four days until the lake grew calm again. Their hunting was unsuccessful, as they killed nothing but a porcupine. On the twenty-fifth they resumed their voyage; but after rowing all day, and the greater part of the night, along the western shore of the lake, the wind obliged them again to land. They remained for two days upon a rock, with no protection but their clothes against the rain and snow. A little drift wood which came ashore enabled them to make a small fire. They ventured to embark again on the twenty-eighth, but the wind, towards night, drove them on shore, where, on a rock covered with bushes,

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they remained three days, and consumed all their provisions. On the first of October they left this "dismal place," and after rowing twelve leagues, came to a village of the Poutouatamies, who came to the shore to receive them, but La Salle declined landing, and obliged his men to row three leagues further. They carried their canoes ashore, and Hennepin bore on his shoulders his brother missionary, *Gabriel*, whose years forbade his entering into the water. Not knowing what the disposition of the inhabitants might be, they fortified a rising ground as well as they could, and sent three men to the Poutouatami village, bearing the calumet, to purchase provisions. "The calumet is the most mysterious thing in the world," says Hennepin, and he devotes a page and a half to the description of it.

Their refusal to land had alarmed the villagers, and when the three men arrived they found the village deserted. They took some Indian corn, and left some goods in place of it, to show that they were not public robbers. In the mean time about twenty of the Indians had gone round to where the rest of the party had remained. La Salle amused them until the return of the men with the calumet, at sight of which, giving a great shout, they rose and began to dance. A good understanding being established, our voyagers were supplied with wild goats.

They left this place on the second of October, and resumed their voyage. Stormy weather still attended them, frequently obliging them to carry their boats to land. The coldness of the water made them sick; and, to add to their distress, their provisions again failed them, their allowance being but a handful of Indian corn in twenty-four hours. A he-goat, throttled by the wolves, to which the hovering ravens and eagles directed their attention, appeared a providential supply. On the eighteenth they came to the farther end of the lake.

On the entire chain our author makes these remarks: "All these lakes may well be called fresh-water seas. They abound extremely in white-fish, greater than carps, which are extraordinary good; nay, at twenty or thirty fathom water there are salmon trouts taken at fifty or sixty pound weight. It were easy to build on the sides of these great lakes an infinite number of considerable towns, which might have communication one with another, by navigation, for five hundred leagues together, and by an inconceivable commerce, which would establish itself among them. And to be sure the soil, if cultivated by Europeans, would prove very fertile." The existence of tides in these great lakes has been disputed. Hennepin asserts in another place: "There are likewise some very plain appearances of a flux and reflux; for they observe the water to flow and ebb by little tides, and that it flows oft times against the wind when very high."

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Having landed at the head of Lake Michigan, they had an agreeable change of diet in grapes as big as damask plums. A man having, contrary to orders, fired at a bear, a number of Indians in the neighbourhood came at night to reconnoitre, and stole some of their goods. The sentinel discovered the depredators, and they made a lame excuse of having mistaken them for Iroquois. They were a second time robbed; but the firmness of M. la Salle secured the detection of one of the robbers, who made a full confession. La Salle then advancing into the country secured another, whom, after having pointed out to him the first prisoner, he sent to his tribe with a message that if the stolen goods were not restored he would put his prisoner to death.

The savages were mightily puzzled with this message, having cut in pieces a coat which they had stolen, and divided the buttons. The rescue of the prisoner was proposed, and they advanced to give the Europeans battle. Fathers Gabriel and Zenobe said mass, whilst Hennepin accompanied the men, to exhort them to do their duty; and he avers that, having witnessed many battles in Europe, he was very little afraid of the savages. But reflecting how much more Christian-like it would be to terminate the difficulty without bloodshed, he advanced between the two lines to act as mediator. An incident now occurred which damped the courage of the Indians. One of the men seeing around a warrior's head a piece of the stolen coat, advanced boldly and seized it. At this the savages were so confounded that they came forward and presented the calumet to Hennepin. Some gowns of beaver skins were given to compensate for the stolen garment.

With the Franciscans the Indians were much pleased. These grey-coats, said they, went barefoot like themselves, took no presents, and carried no arms. Their kindness to the children likewise pleased them much, and they begged La Salle to leave one of them with them. From the continuation of their journey they endeavoured to dissuade the party by informing them, amongst other things, that the Illinois had burnt an Iroquois alive. Not discouraged by this, they reëmbarked to go down the lake on the first of November, and proceeded to the mouth of the river Miamis, which comes from the south and empties into Lake Michigan. What this river is it is difficult to tell, the Calumet and the Chicago, in some respects, answering to the description. They built a fort at the mouth of it, which occupied them till the close of November. On the twentieth M. de Tonti arrived, with part of the men whom they were waiting for, in three canoes, laden with venison. The rest of his party he had left on the other side of the lake. From Tonti they learnt that their ship had not put into the Bay of Missilimakinak, nor had she been heard of. They then concluded that

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she must have been lost. Tonti was dispatched for the men whom he had left on the eastern side of the Lake. The canoe was lost on the coast, and also the arms of the men, who were obliged to come by land, two of them deserting during the march.

On the third of December they left their fort, and proceeded up the river Miami to search for the portage between it and the Illinois river, which, after some trouble, they discovered. He states that the heads of these two rivers are within a league and a half of each other. It is impossible to decide what these rivers are, as he says they rowed from the mouth of the Miami river *five and twenty leagues to the southwest*, a length of navigation not afforded by any of the streams emptying into this part of Lake Michigan; nor is this course that of the small streams in this part. Not being able to decide what the river Miami is, it is impossible to say whether he means the Fox, the Des Plaines, or the Kankakee branch of the Illinois.

The Illinois river, he says, is navigable for canoes within a hundred paces from its source, and that in a little way it increases to the width of the Meuse and Sambre united. They passed through great marshes in the upper part of the river, after which they came to a vast plain destitute of wood, annually fired by the Miamis during their hunting season. Game was now scarcely to be found, the men having gone sixty miles and returned with very little. From the fires which they saw upon the plain, they judged that parties of the natives were not very far from them. The end of August he states to be the period in which wild oxen were hunted; and of the great numbers of them the multitude of horns covering the earth convinced them.

Nearly all December was spent in their voyage down the Illinois. In the end of this month they arrived at Illinois Lake, whereon the village of the Illinois was situated. Of the wild bulls, which we call improperly buffaloes, he gives a particular account, and adds a list of the other animals of the country,—wild goats, beavers, otters, bustards, swans, tortoises, turkey-cocks, parrots, and partridges, with "an incredible quantity of pelicans, whose bills are of a prodigious size." The timber he prefers to that of Canada; and he notices the abundance of grape-vines and trees bearing other fruits. He felt persuaded that the soil of "this country would produce all manner of corn; fruits be even more plentifully than in any part of Europe, seeing there are two crops every year."

They found no one in the village of the Illinois, the inhabitants being absent on a hunting expedition, and hunger obliged them to take some of the corn laid up in store, for which they expected to make satisfaction by presents when they should meet the inhabitants. They arrived in four days more, on New Year's Day, 1680, at a lake about seven leagues long and one broad. The country on its

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borders was called Pimitoui (the place where there is abundance of fat beasts.) This lake he states is never frozen, nor the river between it and the *Meschasepi*. Here M. la Salle ascertained the latitude, which, by some inexplicable error of the press, is given at thirty-three degrees and forty-five minutes. Between forty degrees forty minutes and forty degrees fifty-five minutes, is the true latitude of Peoria Lake.

Having been taught to expect to find the Indians hostile, La Salle made preparations to appear as formidable as possible, forming his boats in a line across the river. The Indians, upon their approach, were variously affected, a few seizing their arms, but the greater part taking to flight. La Salle was the first to land, but did not tender the calumet, fearing it might be attributed to weakness, whereupon the Indians, although several thousands in number, presented it themselves. Those who had run off returned; and the missionaries having paid attention to the children and old men, by means of an interpreter, made known to the tribe the object of their visit. The Illinois he describes as more humane than any of the Indian tribes of North America. They rubbed their feet with bear's oil and bison's fat, which Hennepin declares to be "an incomparable refreshment" after travelling, and they then fed them with meat, putting the first three morsels into their mouths with great ceremony, "a great piece of civility among them." Our travellers presented them with tobacco, related to them their having taken the corn from their village and gave them some axes in payment, offering to leave a smith with them to repair their tools. They were very friendly, and formed an alliance together.

This friendship some emissaries from the Miamis endeavoured to disturb, representing the party as friends of the Iroquois, who would soon come with others from Canada and destroy their nation. The subsequent coolness of their entertainers showed that this had produced some effect, but La Salle was enabled to expose the falsity of these charges, and good feelings were restored.

At a feast shortly after given them by Nicanape, brother to their head chief, who was then absent, he made a long speech to them, endeavouring to dissuade them from going to the Mississippi, describing the dwellers upon its banks as barbarous and bloody nations, whom they would be unable to resist. To this it was replied, that the dangers of the voyage would increase its glory, and that they would think it a happiness to lay down their lives in the cause of God, whose servants they were. Six of the men, however, were so alarmed that they ran away, exchanging, in Hennepin's opinion, an uncertain peril for a most certain danger, considering the country through which they had to travel on their way back to Canada, and the season of the year.

With a view to defend themselves against both the Iroquois and

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the Illinois, should they manifest a friendly disposition, they erected a fort upon the river, about four day's journey below the great village of the latter tribe. It was named Fort Crevecœur, (heart-break,) on account of the desertion of their men, and the other difficulties they had to encounter. Here they commenced a vessel, the keel of which was forty feet in length, but the want of rigging and tackle (for they had given up the Griffin as lost) induced La Salle to return with three men to Fort Fontenac. Hennepin purposed to proceed to the Meschasepi in a canoe, to secure the friendship of the nations upon its banks. Of the two other Franciscans, Father Zenobe had already settled amongst the Illinois with a view to their conversion, whilst old Father Gabriel remained with the men left at Fort Crevecœur. M. de Tonti was left in command by La Salle.

[TO BE CONTINUED.]

THE BALLOT-BOX.

BY M. W. BECK.

Freedom's consecrated dower
  Casket of a priceless gem!
Nobler heritage of power
  Than imperial diadem!
Corner-stone on which was reared
  Liberty's triumphal dome,
When her glorious form appeared
  'Midst our own green mountain home!

Purchased by as noble blood
  As in mortal veins e'er run,
By the toil of those who stood
  At the side of WASHINGTON —
By the hearts that met the foe
  On their native battle plain,
Where the arm that deals the blow
  Never needs to strike again!

Where the craven that would dare
  Mar it with polluted breath?
Scorned and cursed, be his to share
  The traitor's shame—the traitor's death!

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Let his fai[illegible]s heart be torn,
From his recreant bosom riven,
And, upon the whirlwind borne,
To the carrion be given!

Guard it, freemen!—guard it well!
Spotless as your maiden's fame!
Never let your children tell
Of your weakness—of your shame—
That their father's basely sold
What was bought with blood and toil
That you bartered *right* for *gold*,
Here on Freedom's sacred soil!

Let your eagle's quenchless eye,
Fixed, unerring, sleepless, bright,
Watch, when danger hovers nigh,
From his lofty mountain height;
While the stripes and stars shall wave
O'er this treasure, pure and free,
The land's Palladium, it shall save
The home and shrine of liberty.

SACO, MAINE.

SONNET.

TO A CHILD.

Bright thing of love and joy! it glads mine eye
To gaze upon that cherub form and face,
On each wild, artless motion's gentle grace,
Buoyant and free as zephyr dancing by,
And in those orbs' clear depths, like summer sky,
Unclouded yet by thought or passion's trace.
As through these tenderest tears, sweet child, thou beamest
On my world-darkened gaze, methinks thou seemest
A vision from a better sphere to be,
Sent like some fair young angel unto men,
A type of innocence and purity,
And lead them back to that lost Heaven again.
Ah, little dreams thy bright young heart, or heeds,
The solemn lesson which in thee my spirit reads!

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REVOLUTIONARY REMINISCENCES OF AN OLD SOLDIER.

I SHALL never forget the memorable morning that gave me my father's consent to become a soldier. I had strongly imbibed the spirit of the times, and earnestly desired to march with the noble band that had left our neighbourhood for the camp at Cambridge. My father was a warm "Liberty man," and had contributed largely to the outfit of his neighbours who exchanged the plough for the musket; yet as I was his only son, and had not yet seen sixteen summers, it is not strange that he desired to retain me at home. With habitual obedience, I yielded to his decision, but could not refrain from tears of vexation and longing, as I saw my companions depart. This practical proof of my unfitness for a soldier did not escape the observation of my father, and it was owing to a resolution that I formed in consequence of his severe and scornful rebuke, that my cheek has never since been seen moistened by a tear—which people will find easier than they may think, if they will only try. But not many days after, as my father and myself were passing towards the fields, the scene of our daily toils, the cheerful stillness of the morning was broken by the sound of cannon. It was in the direction of Boston, and we instinctively felt that *war* had, in good earnest, begun. The sounds became more frequent. My father would fain have preserved his usual composure, which so well became the oldest deacon of the church, but his patriotic feelings became too strong for mastery. Clapping his hands with a force that made me start as if one of the cannon had been fired by my side, he exclaimed, "*John, you may go!*" There was no mistaking his meaning. Though these were all the words he uttered, yet I knew I had permission to join the army, and that the permission would not be recalled. I threw away the cart-whip that I had in my hand, which neither of us stopped to pick up, and we immediately returned to the house, and began arrangements for my departure. The old musket was taken down and examined; there was not a particle of dust about it, as I had cleaned it daily for months. The time spent by my father in changing, adjusting, and proving the flint, was to me excessively annoying. But he knew better than I did that feelings, however fiery, would not ignite gunpowder. In the mean time, I had packed my knapsack, with more haste than skill, and hitched our old bay to the chaise. In less than an hour after the sound of the first cannon had reached our ears, we were moving, father, knapsack, musket and I, towards Boston. The horse, who did not seem to partake of my enthusiasm, moved

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as deliberately as if travelling his usual Sabbath-day journey. I would gladly have dispensed with his services, but my father's cool and slow self-possession had returned, and no deviation from his will was to be thought of.

I should have remarked that my mother was absent on a visit to my married sister, so that I was spared the trial of bidding her farewell, which would, bo doubt, have been a very different affair from the parting with my father.

We had cleared the lane, and gained the main road towards Boston. I was devising expedients for quickening the pace of the Tory beast, as in my heart I had called him, when we met our worthy and revered pastor, Mr. Forbes. He paused as we drew near. My musket and knapsack—and probably my countenance too, though I am sure my father's would not—informed him whither we were bound. When one all-absorbing idea is present, conversation, as far as it relates to it, can be carried on at small expense to words.

"So, John, you are going to fight the battles of God and your country."

"Yes, sir, I'm going to try," I replied, etiquette forbidding the use of any of the expletives that rose to my lips, in the presence of a minister.

"Well, may the blessing of the God of battles go with you, John. But remember, John, when you are away from your minister and your father, that you are not away from God. Remember———," and the old man's eyes filled with tears as he gazed upon me—he closed them, and for a few seconds was engaged in mental supplication,—then bestowing a "God bless you!" upon me, he passed on, as if unwilling to delay us from such an errand. This meeting passed in a minute, but the impression that it left on my mind has lasted for many a year, and was far deeper than if he had bestowed a lengthened lecture, to which I am sure he would not have found a very patient listener. But the good man knew always what to say, and when to say it; in this respect differing widely from some of his sacred profession that I have fallen in with in the evening of my days. Whatever improvements there may have been made in other things, I am free to say that the breed of our ministers has not improved. The fact is, they could not be much better than they were in those days, much as they are now sometimes ridiculed by ungrateful blockheads, who are enjoying the liberty which the ministers of that day, quite as much as any other class of men, aided to secure.

The distance from my native place to Boston was about fourteen miles. My father left me to perform the latter half of the distance on foot; his parting advice was brief: "Farewell, John, you know your duty; and mind what Mr. Forbes said to you."

I arrived at the camp before nightfall, somewhat exhausted by

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the haste I had made during the latter half of the way. I sought the company to which my companions belonged, and entered it as a volunteer. My friends had not taken part in the engagement, but were full of enthusiasm in consequence of the events of the day.

One very dark night we were called out, and formed with the utmost stillness. With the object of the movement we were not acquainted. Hence our fancy had free scope during the half-hour we were drawn up, and commanded, in a whisper, to remain perfectly silent. We supposed, of course, that an attack was either expected or designed. Not a few of us, notwithstanding our love of country, I suspect were led to compare a good bed at home with the prospect of a bloody one on the night plain.

I have never been oppressed with a sense of fear; indeed, I may say, I have ever borne the character of a brave man; but I frankly confess, that I heartily wished for daylight, that I might see where I was going; and I believe it is true universally, that men will fight better in the daylight than by night, although the smoke be so dense as to hide all objects from view as effectually as if it were night. There is something about night that I do not understand.

But to my story. After standing about half an hour, our muskets were taken from us, and spades, pickaxes, &c., distributed. We then breathed more freely, and the injunction to entire silence was not so perfectly obeyed as before. We were then marched to what was called the *Neck*, for the purpose of erecting a fort. This point was fully within the reach of the enemy's guns, hence a dark night was naturally chosen for the work, and the strictest silence enjoined. Arrived on the ground, we found an abundance of dry cedar rails, and with these we proceeded to build huge fires to supply the lack of daylight. Whether this originated with the soldiers or officers I know not; it is certain that it was not forbidden by the latter. When they were well on fire, and all around us was illuminated, we began to break ground. But we were very unceremoniously interrupted by a thundering volley of cannon balls from the enemy. It had not occurred to our sapient officers that the same light that was serviceable to us, would be so to the enemy's artillery. But so it was. Orders were then given to put out the fires. It was done with great promptness; a cannon ball now and then aiding us in scattering the rails.

I have in my latter days heard a great deal about the stimulants of industry, but I give it as the result of my observation, that nothing is equal to a cannon ball for this. Men will work when cannon balls are whizzing around them in a way difficult to describe. The rails on this occasion flew as if the power of gravitation were for the occasion, totally suspended.

I recollect another occasion when the same stimulus worked ad-

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mirably. It was at the battle of White Plains. We were in a trench, and about ten rods in advance was a stone wall. When it appeared that the enemy were about to advance to storm our lines, (a brisk fire of cannon balls being sent to clear the way,) a party were sent out to throw down the wall, that it might not prove a shelter to the advancing foe. I never saw stones handled as those were. I am clear in the opinion that cannon balls are the greatest possible stimulants to industry. But I forget my narrative.

When the lights were extinguished, we were drawn off behind a small descent, where, by lying down, we were out of reach of the enemy's balls. We had just begun to realize that the whistling of balls was not so destructive, after all, and to make ourselves merry at the enemy's waste of ammunition, when a cross fire that swept the bottom of the hill was opened upon us. The first shot took effect, and killed four men in my vicinity. Orders were given to retreat, and the ground was soon cleared, without further loss. We gained the camp, and listened, with no small degree of composure, to the sound of the enemy's artillery. It is surprising, the difference in the sound of a piece when you are, or are not, within range. In the one case the sound is pleasant enough; in the other it is by no means the most agreeable music in the world. The British continued to plough up the said Neck until broad daylight showed them what they were about. In fact, it did present the appearance of ploughed land. "My stars," said honest Job Eaton, "if it has not cost the King nigh on tew hundred dollars to plough that 'ere piece; I'd ploughed it with my oxen for five ."

We were so much more courageous by daylight, that we went down to the *Neck* for ball, and there were picked up nine hundred and sixty, of various sizes. Occasionally field pieces were discharged at us, but without effect.

During the winter we lay on Dorchester heights; I cannot say that I was as comfortable and contented as I might have been in my father's house. I was, however, indulged with frequent visits home, and often received from thence tokens of remembrance and regard. Still a barrack is not one's father's house, and our troops were becoming more of soldiers and less of citizens. The distinction between mine and thine became less distinctly marked, and a growing looseness of morals in other respects led me to look with less enthusiasm on a soldier's life.

Still our company was in the main correct in their deportment, the instructions of Mr. Forbes having sunk deep into our hearts. Once or twice the old man paid us a visit, to the no small joy of our hearts and increase of his influence. Oh, could I see such ministers now, I would be content that their salaries be raised by law; yea, that they should liberally have tithes of all. The fact is, the old fashioned ministers of those days did more to make patriotic,

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industrious, frugal and honest men than all other things put together. And I will here say, that it does not become a democrat to ridicule and abuse them: for they were the first supporters of the democratic principle. The puritans were the first and fast friends of the people.

A notable personage in our company was "Sergeant John," a full-blooded Indian. He had served as a private among the "eight-months men," but refused to enlist again till the *title* of sergeant was promised him. His rank was merely nominal. He received the title at roll-call, and was content. He was regular in the discharge of his duties as a soldier; but held no communion with a soul in the company. In summer he never slept in the tent with his mess, but in the open air; and in winter he chose a retired though cold corner of the barrack. The tenor of his thoughts neither I nor any body else could ever learn.

On two occcasions I owed my life to Sergeant John. At the battle of Long Island, as we were retreating towards the famous Mill Dam, I received a shot in my foot that put an end to my progress. My fellow-townsmen passed me by, but Sergeant John pla ed me on his shoulder, and succeeded in crossing the dam before the heat of the burning mill became so intense as to cut off further passage. The mill had been fired to prevent the enemy from crossing.

I was an inmate of the hospital for some time, and joined my company just before New York was given up. After my recovery I could get no nearer Sergeant John than before. He continued to live in the solitude of his own originality.

When we lay at White Plains, Sergeant John and myself, with about twenty others, were stationed as a guard in a clearing, about three-fourths of a mile in advance of the lines. So far as I could judge, we were placed there for the express purpose of being shot or captured by the first stray party of British that might come that way. The woods were so thick on every side that we could see nothing unless within the limits of the clearing. The whole British army might have passed us without our knowledge.

It was our fortune to be captured by a party of light-horse, just after sunset. We were entirely surrounded before we knew it—which I looked upon as fortunate, since it saved a few lives—our own included—whose loss would in no way have affected the fortunes of the war. The capture was not indeed a very glorious one, nor was my curiosity to examine the enemy's camp, and their accommodations for prisoners, very great. Still, small as it was, it was in a fair way to be gratified.

As we were marched off I had instinctively placed myself by the side of Sergeant John, who took his capture very composedly, as though it was a matter of indifference to which camp he directed

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his steps. He soon managed to attract my attention, and enjoined silence by a gesture that escaped the observation of our captors. As it began to grow dark we passed along the ridge of a steep bank or ledge. On the very brink a thick growth of cedar bushes concealed its depth, or rather its height, from view. Here John leaped over the bushes down the bank, bidding me to follow him, which I instinctively did, and found myself about thirty feet nearer the centre of gravity than my captors. It was emphatically a leap in the dark. As I gathered myself up I saw my companion standing with a drawn knife in his hand. A few shots were fired from above; but the darkness concealed us from view: and presently two who had dismounted sprang down the ledge in pursuit—but both received the Indian's knife before they could regain their feet. We next heard a number set off at full speed, and concluded their design was to reach us by some other point of descent. My companion seized my arm, and we set off in the direction of the coming horsemen. A few paces brought us to a stream of water, its banks closely lined with trees. John plunged into the water, and crawled beneath the projecting roots of a tree. This was a way of concealment not at all congenial to my habits; but cold water is preferable to cold lead, so I was fain to plunge in. I was soon in the arms of John, who counteracted the tendency of my body to rise to the surface, and gave me a breathing hole amid the roots of the tree.

It was altogether an uncomfortable place; but then it was the best quarters we could get. We soon heard horsemen approaching, —whereat the water felt decidedly warmer. They passed us, but did not return, as Sergeant John seemed to expect. I say seemed, for not a word did he speak during the whole of that night, which was the longest one known, according at least to my experience, during the revolutionary war. Not till just before day-break did we leave our bath. I sometimes suspected that John was asleep, but found that all attempts to extricate myself were vain. When we did emerge, I was unable to walk. John placed me on his shoulders, and we reached the American camp in safety. A fever was the consequence, but then it was better to have a fever among one's friends than in a prison-ship.

Another exploit of Sergeant John, one that caused him to be promoted to the rank of Ensign by vote of the company, though he still retained the rank of Sergeant on the roll, it may be well to relate. While the two armies lay at White Plains, our soldiers used to pass, by a circuitous route, beyond the enemy's line, for what purpose I hardly remember. It was, however considered as a sort of exploit; and hence became a rather frequent practice. On one occasion a party, of which Sergeant John was one, passed the night in the rear of the enemy, at the house of a Dutchman, who professed

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great attachment to the American cause. They took the precaution to keep him within doors during the night, but in the morning, so firm was their conviction of his honesty, they permitted him to go for his cows; when the old scoundrel hastened directly to the British camp and gave information.

A party of Hessians were sent to capture our soldiers. The officer in command, from his chamber window, happened to see them descending a hill at a little distance in front of the house, and immediately ran down for the purpose of alarming the men, who lodged in the barn. When he came to the back door, through a crevice, he saw a stout Hessian, who must have approached in advance of his comrades, standing ready to cut off his retreat and discharge his piece as soon as the door should be opened. The officer had presence of mind enough to run to the window and call to his men to make their escape. This, it may well be imagined, they proceeded to do with no superfluous delay, with the exception of Sergeant John, who, catching sight of the stout Hessian trooper by the door, and deeming it his duty to deliver his brother officer, stole coolly up and made no bones of shooting the villain—that is, the Hessian—through the head; and they then succeeded, though not without some difficulty, in making their escape before the rest of the troop arrived.

ADDRESS TO "ANTHONY'S NOSE."

All hail, primeval Patriarch of Noses!
Thou whom no time, no season e'er disposes
To hide thy lofty, solitary beak,
Or shelter from the weather's change to seek,
From broiling sun, or sharply biting frost,
  From drenching rain, or wildly whistling wind,
By which ofttimes old Mana-hattan's* tost
  About that bed on which he lies reclined,

* Mana-hattan, says Chalmer, was the original name of the Hudson river.

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Or from Heaven's fire, which, through the scudding rack,
The signal of the coming thunder's crack,
Lights up the dark abyss o'er which, sublime,
Thou art enthroned—twin-brother of old Time!

Thou art not like that fearful nose which cast
Strasburg into convulsions by its blast,
Whose shape, dimensions, volume, substance, none
Could well determine, or e'er look'd upon—
Nay, whose existence was a source of strife
To a bandy-legged drummer and his wife.*
Of thee a doubt no caviller can hint,
For lo! there stands thy deathless monument.
Ages have rolled away like so much smoke,
And generations vanished to repose,
But thou art still the same as when first broke
From chaos forth thy bold, colossal Nose!

Some say thou art a thing of senseless stone,
To which both life and feeling are unknown,
But this I ne'er shall credit, for I have seen,
When the mist curled above thy brow serene,
The drops catarrhal down each other chase
Through the deep furrows on that rugged face,
Indubitably proving, as they rolled,
That thou wert suffering from a horrid cold—
And I remember when the tempest spread
His wings abroad, and lashed these iron shores,
I've heard thee *sneeze!*—when starting from his bed,
The sailor cried—"Lord! how the thunder roars!"

How many a strange and passing wondrous sight
Hast thou not witnessed, old Pre-Adamite!
Giants† have gorged where pigmies now carouse,
And mammoths grazed where silly sheep now browze;
The huge leviathan and heavy whale
Floating where listless flaps that idle sail;
The red man roaming proud the forest through,
In awe of none save the dread MANITOU,

* For an account of this celebrated nose, see an extract from that famous author, Slawkenbergius, in Tristram Shandy.

† "There were *giants* on the earth in those days." *Genesis, chap.* 7, *v.* 4.

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Acknowledging below nor lord nor law
Save his own will—master of all he saw,
Till Hudson planted, centuries ago,
The white foot here, the cause of all his woe!
Then disappeared the red man's stately form,
Like the majestic pine before the sweeping storm.

Tell me, thou gnomon on fair Nature's face,
  Retain'st thou still of ancient times the smell,
When Kieft, Van Twiller, and the goodly race
  Of Dutchmen smok'd, as if bound by a spell
Of dead monotony, their lives away,
And passed, dream-like, beneath the Saxon's sway?
It was to thee an epoch, for 'twas then
Thou first receiv'dst thy christian *prænomen*,—
After a man* who knowing, in this soil,
That *modest* merit 's very apt to spoil,
Wisely, like some we know in modern days,
Blew his own trump and sounded his own praise.

Monarch of noses! the Almighty hand
  Ne'er fashioned thee for a colonial slave,—
So when the master spirits of the land
  To the Republic independence gave,
And when wild echo joyously gave tongue
To the glad news with which the country rung,
Thou rous'dst the noble eagle who had slept
'Till then within thy shade, and swift he swept
Thro' the high heavens, and down the bright stars bore,
To deck the Flag of Freedom evermore.

Yet, if to thee the privilege was given,
  The hour to witness when a nation sprung
  Into existence, and indignant flung
  To earth the chains which had too long confined
  The noblest energies of her young mind,
Thou witness'dst too the gloom which spread o'er heaven,

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* "It must be known, then, that the nose of Anthony, the trumpeter, was of a very lusty size, strutting boldly from his countenance like a mountain of Golconda * * * * as a monument. Thereof, he (Stuyvesant) gave the name of 'Anthony's Nose' to a stout promontory in the neighbourhood, and it has continued to be called *Anthony's Nose* ever since that day.—*Knickerbocker's New York, vol. 2, p. 93*

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When Treason, spawned by avarice and fraud,
Foulest of crimes! crept coweringly abroad—
When ARNOLD treach'rously, for filthy gold,
To foreign foes his trust and honor sold,
And raised his ingrate, parricidal hand
To deal the death blow to his native land

Turn we from these sad scenes to contemplate
  The wonder which upon thee must have broke,
  When science from her lethargy awoke,
Her empire over the earth to vindicate,—
And FULTON, with her inspiration fraught,
  Did nature's hidden mysteries unroll,
And to the wondering world the lesson taught,
  The winds to rule, the torrent to control.
Say, when his giant offspring first appeared,
  Stemming the tide despite the opposing gale,
And o'er the waves triumphantly careered
  Along its course, without or oar, or sail,
Didst thou then deem some monster of the deep,
  Which in thy infancy was want to creep
Along these shores, had left old ocean's caves
Again to stalk over Mana-hattan's waves?

Sublime proboscis! like the famous "tower
  Of Lebanon, which towards Damascus looks,"
  As we are told of in the Book of Books,
Thou art of wondrous beauty, strength and power.
What varied visions 'round me hast thou raised,
As on thy splendid profile I have gazed,
Making departed days "as in a glass
Darkly" before my eyes again to pass,
And once more peopling with the silent dead,
These classic scenes o'er which, in dreams, I tread.
Would it had fallen to abler hand to trace
Thine annals, relic of a mightier race!
For, like the unfledged bird which strives to spring
To Heaven, and backward falls with wearied wing,
My fancy sinks thy curve sublime before,
And baffled, downward droops when proudly it should soar.

E. B. O.

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ORIGINAL OF THE NATIONAL MELODY, "YANKEE DOODLE."

BY PORSON JUNIOR.

[The interesting discovery of our learned correspondent, as disclosed in the following communication, will equally delight the patriot and surprise the scholar. We are pleased to see literary zeal directed to such important and useful researches; and the name of our erudite and ingenious friend will, no doubt, be added to the illustrious catalogue which contains the names of *Annius of Viterbo*, *William Henry Ireland*, and *George Psalmanaazaar*.]

IANKHE DOULE.

To the United States Magazine and Democratic Review:

The experience of every year more fully discloses the wonderful treasures of Grecian literature, and the comparative poverty of modern genius. Originality has long been extinct; the most celebrated literary productions of the present day consist of the wisdom and wit of antiquity, bedecked in the tinsel of modern languages. This age produces nothing which a little research may not find, already much better expressed in the golden pages of classic lore:

"Nil novum, nil quod non semel audisse, sufficiat."

It was remarked by Boileau, with equal wit and truth, that the ancients must, indeed, once have been moderns, though it is by no means equally certain that the moderns will ever be ancients.

All the writers in the modern tongues appears to have done little else than remodel the thoughts of a former age, and they not unfrequently palm off, as original, that which is directly translated from the more rare productions of antiquity. Lauder professed to have discovered the original Latin poem from which Milton translated his "Paradise Lost." It is little to the purpose to reply, that Lauder was an *impostor;* the moderns are not candid judges in the premises; and a generation who have regarded with distrust the antiquarian labors of a McPherson and Chatterton may, it is not unlikely, look with incredulity on the discovery about to be disclosed in this communication. So late as 1794, Joseph Vella could not convince his invidious contemporaries of the genuineness of his copy of the seventeen lost books of Livy, (though he actually published one book, consisting, to be sure, of but two pages, and those had unluckily been stolen by Florus,)—and not only was his ancient Arabic

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History of Sicily suppressed, but he was imprisoned, as an impostor, for attempting to publish it!

That Shakspeare borrowed as largely as Milton, there can be no reasonable doubt; and notwithstanding the pretence that he was ignorant of Greek, yet I shrewdly suspect that if the lost plays of Euripides and Aristophanes should ever come to light, the originals of his best productions would be found among them.

When I consider these monstrous frauds, I am scarcely less skeptical with regard to modern erudition, than was Father Hardouin with regard to the ancients. He showed, with immense erudition, that except the Bible and Homer, Herodotus, Plautus, Pliny the Elder, with fragments of Cicero, Virgil, and Horace, all the pretended remains of antiquity are forgeries.

In matters of science, the moderns are but reviving the learning of the ancients; as I propose on some future occasion more fully to demonstrate. I shall, at present, adduce but one example. *Phrenology* is among the most recent of the pretended discoveries of modern times. It is the general belief that the foundations of this science were first laid by Dr. Gall. Now, one of the cardinal doctrines of Phrenology is the conexion between the passion of love and the occipital portion of the head. The discovery of this connexion is claimed for Dr. Gall; and no position in the philosophy of Phrenology is more strikingly true, or confirmed by more extensive observation. It will occasion a surprise, by no means agreeable, among the admirers of the learned German, when I announce that this interesting and cardinal truth in the science he founded *was well known to the ancients*, at least as far back as the era of Apollonius of Rhodes. The passage which proves this, is to be found in the Argonautics, and describes the effects of Medea's falling violently in love with Jason.

"Δακρυ δ'εκ' οφθαλμων ελεω ρεεν· ενδοθι δ'αιει
"Τειρ' οδυνη σμυχουσα δια χροος, αμφι τ' αραιας
"Ινας, και κεφαλης υπο νειατον ινιον αχρις,
"Ενθ' αλεγεινοτατον δυνει αχος, οπποτ' ανιας
"Ακαματοι πραπιδεσσιν ενισκιμψωσιν Ερωτες." *

Or, literally, in English: "The tears flowed piteously from her eyes; and within, incessant distress, flushing her face, tormented her tender nerves, and her neck, deep within, where it joins the back part of the head—in which place the keenest pain is always felt, when invincible Love inflicts his pangs."

But to keep you no longer in suspense, I shall announce, without further preface, the immediate object of this communication, which is, to inform the world that I have discovered the GREEK ORIGINAL of our *celebrated national ballad* "YANKEE DOODLE!" In com-

*Apoll. Rhod. Argonaut. Lib. III. vv. 761 et seq.; Ed. Brunck, Argentor. 1780, 8vo.

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mon with the rest of the learned world, you will doubtless be curious to learn the history of this truly fortunate discovery. I had always been of the opinion that this sublime poem,—sublime when properly understood, but puerile in the extreme as usually recited,—was not the production of a modern age. Its Doric simplicity and Laconic brevity, its Attic wit and Ionian sweetness, all seemed to indicate that it emanated from a mind not debased by the effeminate associations of modern times. The conjecture has proved to be correct. Yankee Doodle *is* of classic origin. It was chaunted by the tuneful sons and daughters of Miletus, certainly in the days of Herodotus, and perhaps in those of Homer.

We are indebted for this precious relic to Athenæus, that learned Encyclopædist, who has transmitted to us so many other treasures of useful knowledge.

It has been said of the Institutes of Justiniam, that if all other Latin authors should become extinct, the classic language of Rome might be revived from that model of elegant composition. It may be said, with almost equal truth, that a complete knowledge of Grecian literature, philosophy, and art, might be derived from the Δειπνοσοφισταὶ of Athenæus, were it not for the frequent and melancholy *lacunæ* which have been made in this wonderful work by the envious tooth of time.

The original of "Yankee Doodle," (or "*Iankhe Doule,*" as I shall show it ought to be written,) is contained in the fifteenth volume of Schweighaeuser's splendid edition of Athenæus, published in Greek and Latin, at Strasburgh, in 1807, pp. 1003, et seq. You will be gratified to learn how closely our popular American version adheres to the original, following even the evident false readings of some editions. I say *American* version, for I shall conclusively show, in the course of these remarks, that this relic has come down to us through some other channel than the literature of England.

But to postpone your curiosity no longer, I transcribe the original at once, according to the text as adopted by Schweighaeuser; from whose judgment, however, in one or two particulars regarding this poem, I shall in the course of my remarks be obliged to dissent.

'Η ΤΟΥ ΔΟΥΛΟΥ 'ΩΔΗ.

Πατηρ κα'γω, συν λοχαγω,!
Εις σταθμους ηλασαμεν,
Εκει παιδαστε και κορας
'Ως κριμνον, ωρασαμεν.

Στροφη.

Σιτου κορμος ψιλοειν,
Τροχοι αμαξης στρεφειν'
Σε καταφερετο Σατανας!
'Υπερος ολμου κοπτειν.

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Ἀντιστροφη.

Ιαγχε δουλε, ανδροειν!
Ιαγχε δουλε, ——
—— —— ——
—— —— ——

[*Cætera desunt.*]

How accurately the very spirit and language of the original have been preserved in the vernacular melody, will appear to the learned. by a critical comparison of the above with the following most correct and authentic text of the ode, as sung at the present day:

YANKEE DOODLE.

"Father an' I went down to camp,
Along with Captain Gooding,
And there we see the gals and boys,
As thick as hasty pudding;
Corn-stalks twist your hair,
Cart wheels surround ye,
Old Dragon car'e you off,
Mortar-pestle pound ye!
Yankee Doodle, be a man!
Yankee Doodle Dandy,
Yankee Doodle, kiss the gals,
Sweet as 'lasses candy,"

The only word not properly found in the original is "*Gooding*," in the second line; an evident gloss which has crept into the text, or is introduced, *ex necessitate*, to rhyme with "pudding," a word of which may be said, almost as of the name of the town in Horace, "*quod non est dicere versu.*" I think the words "Old Dragon," are substituted for some expression more pointed and direct in a more ancient copy; a change probably introduced by our forefathers, who were great admirers of this ode, but had a peculiar aversion to the direct use of the word which is most naturally suggested by Σατανᾶς. The last two lines of the antistrophe are surreptitious; they bear intrinsic marks of a later origin than the former parts of the poem, and as they are not contained in the original, little doubt can be entertained that they are the production of some scholiast who attempted to supply the *hiatus valde deflendus* in the text.

Time will not permit me to indulge in those reflections which are suggested by the discovery of this venerable fragment of antiquity. I trust, however, that public curiosity will be awakened, and will lead to further developements equally authentic and surprising. No department of literary labor promises a richer reward, or will more certainly secure the applause and benedictions of

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posterity. Not to speak of my own humble labors in this behalf, the fortunate detectors of these obsolete relics of genius will take place with the distinguished sons of erudition who brought to light the celebrated tablet,

"BILST
U. M.
PSHI
S. M.
ARK."*

and with the happy discoverers of the drinking horn and letters,

"HARDENVT."

an acknowledgment which has consigned to immortality the names Gough and George Stevens.†

For the satisfaction of the learned, however, I take this occasion to announce that I have in progress, and nearly ready for publication, by subscription, a *variorum* edition of "Yankee Doodle," in one volume, folio, with appropriate maps and plates; the title page and a specimen of which I subjoin:

"Βασιλιδου Χιου τα Λειπομενα. Basilidis Chii quæ extant omnia. Textum ad præstantissimas editiones recognitum, et præcipua varietate, nec non VV. DD. conjecturis instructum, prolegomenis et excursibus, varii argumenti, donavit, notisque perpetuis et ad æstheticen, historiam, geographiam, mythologiam, archæologiam, remque musicam spectantibus, illustravit Porson Junior, L. L. D. etc.

Proœmium—Hoc pulcherrimi Carminis fragmentum servavit Bedrotus, in suâ *Athen. Omn. Op.* editione, in notulis ad finem tom. ter. adjectis. Finis desideratur Grammatici Basilio cuidam adscripserunt, et hui opinioni Bedrotus eruditissimus assentit. Sed quis fuerit Basilius iste, et quando vixerit, omnino latet. Basilius Maximus cognominatus, de rebus ecclesiasticis auctor celeberrimus, circiter A. D. CCCXXVI, in Cappadociâ, floruit; et post hunc, Basilius Seleuciæ Episcopus, A. D. CCCCXL; sed inter præclara eorum scripta nulla hujus carminis vestigia extant. Malim Basilidi Chio, Herodoti patri, adscribere; de quo Herod. Lib. VIII. c. 132, lector eruditus adeat.

Poema totum, innumerabilibus penè mendis scaturientem, ad pristinum sensum revocavi. "Του Δουλου Ὑμνος" Bedrotus, et post hunc, Schweighaeuser clarissimus edidit; sed non animadvertêre homines docti, (id quod rectè notavit auctor quidem eruditissimus, *Robertus Lowth, de Sacrâ Poës. Heb. Præl. XXV.*) "Carmen omni cautioni destinatum, sive assâ voce, sive fidibus conjunctis, canendum, Græci ωδην appellant." Nil moror quod Tyrwhittius Ricardi Dawesii Miscellaneis Criticis adjecit, "το Σχολιον fuisse carminis genus, a veteribus Atheniensibus in conviviis cantari solitum;"‡ quia ωδη nomen generalissimum τα σχολια includit. Itaque "Η του Δουλου Ωδη" edidi, et procul dubio sic Basilides.

ΙΑΗΧΕ ΔΟΥΛΕ.

'Η ΤΟΥ ΔΟΥΛΟΥ 'ΩΔΗ

Πατηρ κα'γω, συν λοχαγω,
Εις σταθμους ηλασαμεν'
'Εκει παιδαστε και κορας
'Ως κριμνον, ωρασαμεν.

* Pickwick Papers.
† See Gentleman's Magazine.
‡ Vid. *Daw. Miscell. crit. p.* 663, *ad. fin. Ed. Sec. Lond.* MDCCCXXVII.

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Στροφη.

Σιτου κορμος ψιλοειν,
Τροχοι αμαξης στρεφειν
Σε καταφερετο Σατανας!
Ὑπερος ολμου κοπτειν.

Ἀντιστροφη.

Ιαγχε δουλε, ανδροειν!
Ιαγχε δουλε, ——
—— —— ——
—— —— ——

(*Hiatus valde deflendus.*)

ANNOTATIONES.

Haec ode est dicolos, distrophos. Metrum est Iambicum. Prior quisque versus est dimeter; alter quisque dimeter catalectus.

V V. 1, 2. Sic editores omnes quos viderim; quod quidem mihi ferri non posse videtur. Enimvero qui Prosodiæ student observare possint, Λοχαγος penultimam producere: e. g.

Αυδω λοχαγοις, οι τεταχθε πιμπραναι. (Troad. 1260, Ed. Dind.)

Contra ηλασαμεν penultimam corripit; quoniam et in aorista et in futuro, penultima semper corripitur, nisi quæ in αω *purum*, vel in ραω, desinunt. Tamen persaepe illa poetica geminatio occurrit, ut επερασσαν pro επερασαν. Sic Hom. Il. XI. 676.

Ληιδα δ'εκ πεδιοῦ συνελασσαμεν ηλιθα πολλα.

Quae guidem *licentia* hic locum habere non possit; nam ηλασαμμεν pro ηλασαμεν scribere non licentia est poetica, sed aliâ nimirum *linguâ* est loqui. Scribere ergo non dubitem,

Πατηρ κα'γω ηλασαμεν
Εις σταθμους συν λοχαγω

quod quidem Prosodiæ rationem mirabiliter servat, et ad vernaculi interpretationis ordinem et verba, magis consentameum est.

V. 4. Ως κριμνον, κ. τ. λ.

Κριμνον, farina crassior, mica, Anglicè—"HASTY PUDDING," Vid. notas, ad fin. patriâ linguâ exaratas. Ωρασαμεν. Quemadmodum ωρασαμεν penultimam producit, vid. sup. in vv. 1. 2. Quæ in αω *purum*, vel ραω, *purum impurumve* desinent, ea omnia (ni fallor,) penultimam istam, et in aorista et in futuro producunt,—ex. gratia. Κνημην τε διεπερασεν Ἀργειον δορυ. Eurip. Phœniss, 1403. et vid. quae vir clar. Sam: Clark in Hom. Il. Lib. 1. v. 67, annotavit.

V. 5. Σιτου, κ. τ. λ. Alii, Πελαργος θριχας ψιλοειν; sed inepte, quod quidem interpretatio antiqua Anglica planè demonstret. "Corn-*stalks* twist your hair," etc. Nam si το Πελαργος—(Lat. "*Ciconia*," Ang. "stork") retineretur, reddendum esset linguâ Americanâ, "Corn *Storks*;"—quod perinde est; nam ciconiarum nullum est genus quod "*triticeum*" vel "*farreum*," vocatur. Θριχας quoque supervacaneum esset, quod vet. cod. omn. reperitur, Σιτου—Sc. milium Indicum: linquâ vernaclâ—"CORN."

V. 6. Τροχοι αμαξης στρεφειν, κ. τ. λ. Anglicè—"Cart-wheels surround you!" Hâc quidem sententiâ nihil unquam fuit ad commovendos affectus, neque excogitatum exquisitius neque elegantius dictum!

V V. 8, 9. Ἰαγχε δουλε ανδροειν! etc. Οι δε παλαιοι φασι και οτι το ρημα, βομβωδες ον εμφασιν εχει, κ. τ. λ. Eustathius in loc. Qui plura velint, *Eustath: in Hom. Lib* XVI. v. 379, adeant."

Having given, for the benefit of the learned, this specimen of my method of annotation in the forthcoming edition, I shall proceed briefly to suggest some of the curious and valuable illustrations,

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both of national history and literature, which may be derived from this recovered relic of a former age.

YANKEE DOODLE, the popular name of our national medody, has exercised the critical ingenuity of the most eminent scholars and lexicographers. Some have had the folly to regard it as wholly insensate and ridiculous; others have supposed it to be the echo or imitation of some bird or animal, known to the earliest inhabitants of this continent, but now extinct. Such imitations are sometimes embodied in the Greek plays, as in the celebrated chorus of *frogs* in Aristophanes—

Βρεκεκεκεξ, κοαξ κοαξ,

(Aristoph, Ran. 209-10 Ed. Dind.)

which so much annoyed Dionysius in his passage over the Styx.

Others, with that reverence for antiquity which characterizes the true scholar, have sought for the origin and meaning of the words in the Saxon and German languages, and some have supposed them to be of Indian origin. Heckewelder, and after him the truly learned Dr. Webster, consider "Yankee" as an Indian corruption of "English." This and other theories equally fanciful will be fully discussed in the *excursuses* to the forthcoming edition. Happily, all doubt upon the question has been dissipated by the discovery of the original text. The melody must hereafter be known by the name we have given it, "IANKHE DOULE," being in fact the Greek words ΙΑΓΧΕ ΔΟΥΛΕ;—Ιάγχς the imperative perfect of the rule ΙΑΙΝΩ, (to rejoice) and Δοῦλς from Δοῦλος (a slave):—meaning "Rejoice, O slave!" or "Let the enslaved rejoice!"—Thus. what was before obscure and insensate becomes at once lucid and beautifully pertinent to a free nation.

This derivation, were it even conjectural, and not founded, as it is, upon irrefragable proof, would be no more indirect and equivocal than Dean Swift's celebrated etymology of "*Peloponnesus*," which it is not necessary for us to repeat; or Bailey's "*Hocus pocus*," from "*Hoc est corpus meum*," used at the moment of transubstantiation, in the Romish service; or "*helter-skelter*," from *hilariter et celeriter*"—the benediction of the priest at the breaking up of the assembly.

Other and more important inferences, however, may be drawn from this valuable discovery. The American version is evidently indigenous, and has not been transmitted through the English, to whom indeed, the original appears to be wholly unknown. There is internal proof of this in the fragment itself. Κρίμνον, (v. 4) is a coarse mealy pudding of Indian corn, a grain to which the English were strangers until the discovery of America. This popular condiment called "HASTY PUDDING" in the American version, is certainly not of English origin, and even the name is scarcely known abroad.

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Hear what the poet says of this truly antique and national article of food. Hasty Pudding.

> For thee through Paris, that corrupted town,
> How long, in vain, I wandered up and down;
> Where shameless Bacchus with his drenching hoard,
> Cold from his cave, usurps the smoaking board.
> London is lost in smoke and steeped in *tea:*
> No Yankee there can lisp the name of *thee;*
> The uncouth word, a libel on the town,
> Would call a proclamation from the crown. *

Nor is the *name* known on the continent, as we learn from the same high authority:

> *Thee* the soft nations round the warm Levant,
> *Polanta* call, the French of course *Polante.*
> E'en in thy native regions, how I blush,
> To hear the Pennsylvanians call thee *mush!*
> On Hudson's banks, while men of Belgic spawn
> Insult and eat thee by the name *suppawn.*
> All spurious appellations void of truth;
> I've known thee better from my earliest youth,
> Thy name is *Hasty-Pudding!*

Yet even this distinguished patriot and poet little suspected the antiquity of his favorite dish, as he could trace it no farther back than the aborigines of America—

> Declare what lovely *squaw*, in days of yore,
> Ere great Columbus sought thy native shore,
> First gave thee to the world;" &c. &c.†

Again, the expression Σίτου κορμὸς, in v. 5. evidently refers to the same American grain,—"corn stalks," in the only sense the passage admits of, being unknown in England. Thus a fair and conclusive inference may be drawn from this brief relic, that Indian corn was known to the Greeks, at least four hundred and fifty years before Christ; that is, in the time of Herodotus; a fact which throws much light upon the origin of the aborigines of America, and may yet afford a clue to unravel that mysterious enigma. Indeed it may not unlikely be found, upon further inquiry, that the Greeks and the aborigines of this continent both derived this sublime production from a common and more ancient source—from the Sanscrit or Persian for instance—and thus may be discovered the origin of the literature of both races. Molière borrowed his Amphitrion (as he did many of his comedies) from Plautus; Plautus translated it from the Greek, and, as all scholars know, it has been discovered by Dow in the Hindostanee!

The Ephesian Matron of La Fontaine was avowedly taken from the Italian; the Italians derived it from Petronius, and Petronius from the Greek. It has since, as we know, been discovered in the

* Barlow's "Hasty Pudding," Canto I.
† Ib.

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Arabian Tales; and finally Du Halde detected the same tale among the versions made by the Jesuits from the Chinese! But these speculations are leading me too far.

The Greeks, it is well known, had different songs for the various trades, for the names of many of which I must refer the learned reader to Athenæus.* The corn-grinders, the workers in wool, the weavers, the reapers, the kneaders, the bathers, and the galley-rowers, had each their respective songs. Athenæus has not preserved any of them, but we have, from another source the song of Callistratus, to the glory of Harmodius and Aristogiton, which we learn from current Grecian literature, was sung by the potter at his wheel, and the mariner on his bench. We have an anonymous translation of the "crow song," (which is preserved in Athenæus,) commencing as follows:

My good worthy masters, a pittance bestow,
Some oat meal or barley or wheat for the crow;
A loaf, or a penny, or e'en what you will—
From the poor man, a grain of his salt may suffice,
For your crow swallows all and is not over nice;
And the man who can now give his grain and no more,
May, another day, give from a plentiful store, &c.

But once again I forbear to follow out this inexhaustible subject; leading as it does to innumerable conjectures and inquiries interesting to the scholar and archæologist. All these matters will be discussed, at length, in the forthcoming edition of the poem. Indeed I am not without strong hopes of discovering the original of several other celebrated and popular ballads. Among them, the elegiac verses commencing—

Heigh diddle diddle,
The Cat's in the fiddle!" &c. &c.

bear a strong resemblance to the celebrated Greek ode,

Α Ιδάλια! Ιδάλια!

and are not unlike, in metre, to Horace's

Eheu fugaces,
Postume! Postume! Car. Lib. II. 14.

I shall not, however, any longer tantalize the curious with further indications of my discoveries, but subscribe myself, very respectfully,

Your obedient servant

PORSON JUNIOR.

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* Deip. Lib. XIV. Cap. 3.

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TO BLANCHE.

(*Dedication of a MS. Poem, entitled "A Visit to a Tropical Island."*)

BY PARK BENJAMIN.

Oh, lovely Blanche—I give to thee
My thoughts at morning, noon, and night!
Thy tender glances fall on me,
Thy form floats softly in my sight,
And, to my bowers of calm delight,
Thou comest like an airy sprite—
A creature, wove of morning beams,
And mist-wreaths from the summer streams.
Thou art not real—but a child
Of fancy, an imagined wight,
A something graceful, sportive, wild,
Whose charms I would but cannot write;
Thy name is thy true semblance, *white*—
A lily without stain or blight!
To thee, my constant love, mine own—
Claimed, wooed and won by me alone—
My beautiful abstraction, brought
From the sweet clime of cloudless thought,
I dedicate each gentle tone,
That in this long-forsaken lyre
The lovely vision can inspire.
Come! Hear me sing of regions, known
To birds that from the North have flown,
In search of trellis-arbors, where
The warm sun sheds a glowing beam,
And makes each shadow grateful seem,
That falls from leaf and blossom there.
Would thou and I, my Blanche, had plumes,
That we might seek those forest glooms,
Where undecaying verdure blooms!
Oh, then how swiftly would we fly,
From cloud and mist and winter sky,
And this unsmiling shore,
To isles, where all is blue on high,
And winds, like lovers, sing and sigh
To beauties they adore!

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THE SPECIE CLAUSE.

Let us but look this much dreaded monster, "the *Specie Clause*," boldly and straight-forward in the face, and like many of the other bugbears by which children of all ages allow themselves to be frightened out of their senses, its lineaments will not perhaps appear so very terrible after all. A great many honest people have actually been deluded into the belief—if so vague and undefined a notion is entitled to the name of a belief—that this same atrocious "Specie Clause" is to prove another Pandora's box of every imaginable evil to be let loose upon the country, without even the compensation of a hope remaining at the bottom. That under its operation credit is to perish, commerce is to perish; that a Spartan *régime* of iron money and black broth is to return, with a system of helotage of the great mass of the nation, under the oppressive sway of a few rapacious office-holders, through their monopoly of the "better currency" of gold and silver, while all the rest of the people must fain content themselves with filthy slips of lamp-blacked rag.

This is scarcely an exaggerated picture of the idea which a great many well meaning persons have been made to entertain of this much abused "Specie Clause," in the bills which have been introduced by the friends of the Administration in Congress, for the future collection, custody and disbursement of the public revenue. We regard it as one of the most striking instances of the effect of that reckless and thoughtless party spirit which we see daily proceeding to such insane excesses,—that because a great financial question, involving a few and very simple principles of political economy, has happened unfortunately to become mixed up with our party politics, rational people can allow themselves to be deluded to such a degree by notions so ridiculously preposterous and absurd. A few pages only will suffice to present the whole subject in a very plain and popular way, to such readers as are honestly disposed to pursue the truth, in such a light as to dissipate all these empty and vapory clouds of mystification with which it has for years been the unresting vocation of a countless host of writers and speakers to envelope a perfectly simple and easy question.

The main question now agitating this great community is this, whether or not paper-money shall continue to be exclusively *the currency* of the country. An enormous interest has grown up in the midst of us—connecting itself in the most intimate alliance,

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offensive and defensive, with a great political party—which insists *that it shall.* This omnipresent, and almost omnipotent, interest has contrived to get the whole business of the country, its producing industry and its commerce, domestic and foreign, within the control of its grasp. It has possessed itself of upwards of three-fourths of the newspaper press—a swarm of book-makers—public orators absolutely innumerable—and in private life, wherever two or three are gathered together, a vast majority of all the smaller Sir-Oracles who from the prominence whether of their proper position or of their pretensions, are accustomed to lay down the law to the little local spheres, or rather globules, of society that cluster naturally about them. An universal credit system of business having gradually established itself, ramified out into the pettiest details of the humblest traffic, and the institutions through whose agency the whole is administered having combined, with that function of lending money, the coördinate one of manufacturing a paper currency, the influence over the actions and opinions of men derived from the former function is made naturally to extend itself to the maintainance of the latter. There exists indeed no necessary or even natural connexion between these two functions, that of lending money and that of issuing paper currency; and their combination in the same hands is one of the most fatal evils with which a country can be afflicted—each perpetually stimulating the other to excess and abuse. But here is the actual state of things in full operation over the whole length and breadth of the country; and it is in this union, and in the power which the one function gives to maintain the other, that we can find the only explanation of the singular hold upon the public mind which this strange infatuation of *paper-money* has acquired, and despite the severest lessons of experience, seems still to retain.

This vast interest is by far the most powerful of all the elements of opposition against which the Democratic party is now engaged in so desperate a struggle. But for this, the numerical forces of the two parties, under the great principles which form the political creed of the present Administration, would be in the ratio of ten to one, instead of being so much nearer to an equality as we now witness them. Its partisans insist, and for the most part no doubt honestly believe, that a "convertible" paper-money is a better currency than specie. They therefore set their faces in utter hostility against the precious metals. They are in favor of the removal of all restrictions upon the circulation of paper. They denounce any attempt on the part of any great dealer in money to conduct his transactions in the precious metals, and will not permit any exception to be made to the universal use of paper, even in the smaller channels of circulation, and for all the minor purposes of

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daily life, as the only medium which is to constitute practically *the* money and *the* currency of the country.

By *paper-money*, in the sense in which here used, we wish our readers to bear clearly in mind that we mean *credit-money*, such as the bank-note currency now in use amongst us—such paper as rests wholly or in part on the basis of confidence on the part of the community, being stamped with a *promise to pay*, which, by universal understanding, is meant to signify a promise to pay *on condition of not being required to do so.* A paper currency in the form of certificates of deposite, actually and bona-fide representing so much specie, dollar for dollar, would be a very different thing, combining as it would every convenience of form possessed by paper, with every advantage of substance and solidity inherent in the precious metals themselves. But, according to its common acceptation, we here use the term paper-money in the sense of *credit*-money, or *confidence*-money.

The theory of money is a very simple matter after all, and easily intelligible to every comprehension, notwithstanding the mystification with which the advocates of paper-money have sought to envelope it. The use of *money* is to serve as a medium of exchange, for which purpose it must also be *a measure of value.* This is its primary, essential attribute, indispensable to the performance of the function which it is created to discharge, that of a medium of exchange. Whatever is designed to serve as a measure of value must possess an intrinsic and certain value in itself, as measures of dimension or of weight must possess themselves the dimension or the weight for the measurement of which they are to serve as the units or standards. Value is derived primarily from labor, which is itself induced by the capacity of the object upon which it exerts itself to subserve the gratification of human wants or desires. Now the precious metals do possess the value derived from labor, the process of their extraction from the mines being a difficult, slow, and very expensive one; and in addition to the demand for them created by the fact of their universal use as the money of the world, they are used in a thousand modes to minister to human comfort and luxury through the arts. They unite moreover in a remarkable manner all the properties requisite to adapt them to the purpose of a measure of value and medium of exchange. The supply of them existing in the world approximates so nearly to perfect stability, that for practical purposes it may be assumed as absolutely fixed and uniform,—the annual production being entirely insignificant in comparison with the stock permanently on hand, while the large proportion of the whole amount used in the arts serves as a perpetual corrective to fluctuation in that portion which is used for the purposes of money; since the slightest depreciation of their value from excess of supply would remedy itself by the conversion

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of a larger amount into articles of luxury and display; while on the other hand, an appreciation of value arising from deficiency could not fail speedily to transfer a portion of the latter back into the shape of coin. When in addition to this property of stability of supply, manifestly the first requisite for a measure of value, we consider their uniformity of quality—their hardness and durability—and their capability of division into forms of the most convenient dimension, for the purposes of use from hand to hand, and of receiving a stamp to attest at a glance their purity and genuineness, with the immediate facility of detecting any spurious alloy or counterfeit—we shall not be surprised that the universal experience and intelligence of the world have selected them as the most suitable materials for this all-important purpose. A brief consideration of this train of reflection will also suffice, we imagine, to awaken some slight distrust of the soundness of the notion recently promulgated by high authorities, that the world has heretofore, until within comparatively a few years past, been under a total delusion on this subject,—that the precious metals are entirely unsuited to the purposes of money, the supply of them being entirely inadequate to the demand—and that the cheaper material of paper is much better, when invested with an imaginary value by the consent of the community to use it as a medium of exchange, and by their *confidence* that the *promise to pay* on demand with which it is stamped will be realized, provided that no more than one-fifth or one-fiftieth, as the case may be, of the amount of these promises shall ever be required to be performed.

Nothing can in fact be more absurd than this notion, to which the profound ignorance that seems to prevail among most of our mercantile classes upon the first principles of political economy, has given vogue amongst them,—namely that there is not enough of gold and silver in the world to serve the function which these metals have heretofore been accustomed to perform, that of the common measure of value and medium of exchange. It might with as much reason be objected to the yard-stick that there are not enough of them, for the purposes of measurement, or that it does not stretch with the increase of the amount of commodities to which it is to be applied. It is plain that half of the existing quantity would answer very nearly, if not quite, as well, the nominal scale of prices of all commodities simply graduating itself accordingly, and other metals being more extensively used for the smaller subdivisions of silver which might then become inconveniently minute in size. And at any rate so long as such enormous quantities of these metals continue locked up uselessly in the form of massive articles of luxury and display, from which the urgency of demand created by deficiency of supply would soon call them forth into activity in the shape of money, it is indeed amazing that any person pretending to

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a decent average of information or common sense, can suffer himself to be so preposterously deluded.

It is a great mistake to suppose that the number and amount of actual transfers of money as the medium of exchange in the vast and immeasurable business transactions of an industrious commercial community, bears any considerable proportion to the number and amount of those transactions. At the period of greatest expansion of our paper currency prior to the late convulsion—when the amount of transactions was so enormous, and the activity of business so morbidly rapid—its amount was not more than about a hundred and forty millions of dollars, and the actual circulation of specie was very limited, by reason of the almost universal use of paper medium, notwithstanding the quantity existing in the country. The great bulk of all such transactions are in truth conducted *on credit* between man and man. The same process takes place between individuals, and sections of country, as between distant nations, in the management of their commercial transactions. They consist mainly of the interchange of commodities, which must always in the long run nearly equal each other in aggregate value,—conducted through the various forms of personal credit, such as running leger accounts, sound promissory notes and bills of exchange representing real transactions; and it is only the comparatively small *balances* that are periodically settled by the actual payment of money. These credits are of a perfectly sound, healthy and natural character. They are founded upon real transactions, and depend on personal confidence, being entered into voluntarily, and with intelligent circumspection. They all refer themselves indeed to the existing standard of value—which in the commerce of nations is gold and silver, and nothing else, and which in the commerce of individuals, and of different sections of a country, though it may be made to fluctuate more or less from time to time by the use of elastic artificial substitutes, must always, after all, sooner or later be brought down again to that standard, by the regulating check of foreign commerce. But they refer themselves to it in the same manner in which in the measurement of the millions of yards of cloth fabrics of all kinds—and, in short, of all the manifold computations of the dimensions of length and breadth which are constantly taking place—the yard-stick or foot-rule is referred to, though comparatively rarely applied to the actual process of measurement.

But it may still be supposed by some, that the amount of the precious metals which any one country can possess, as its proportion of the whole common stock of the world, relatively to its population, industry and wealth, would still be insufficient for the purposes of actual circulation which may be required by its peculiar circumstances, of extent of territory, sparseness of population, and extraordinary business activity and enterprise of its inhabitants:

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and that the advantage of convenience of form possessed by paper for distant transmission and rapid circulation in large amounts, over the metals, whose movements must be clogged by their weight and bulk, by the risk of transportation, and by the smallness of their subdivisions, is calculated to adapt it better than specie to such a country and such a population, as a "currency" or "circulating medium." Frequently as we hear this notion advanced, the sophism of its evasion of the true point of controversy is ridiculously shallow. For apart from the obvious considerations, that in the first place, for all purposes of personal expenditure, such as travelling, &c., gold and bills of exchange are at least as convenient as bank notes—and, in the second place, that in all commercial communities where the metallic medium alone is used, the larger amounts frequently required circulate constantly in commercial transactions without the actual process of counting, in kegs or sacks of which the seals are often unbroken for years—apart, we say, from these considerations, it is plain that nothing is easier than to combine the advantages of solidity of substance and convenience of form, to any extent that may prove desirable, by converting specie into the form of paper, through certificates of actual specie deposite, which would indeed afford a paper currency, as before suggested, entirely exempt from all the evils inseparable from every paper medium founded on any basis less broad and solid than the actual dollar for dollar. And the quantity of money actually required for circulation—apart from those private forms of credit which would still constitute the medium of the great mass of private transactions—would be but little beyond the actual amount of specie now in the country. The facility with which specie is to be obtained by the simple creation of a natural demand for it, is sufficiently shown by the increase of about seventy-five millions which has taken place in our stock within the course of the last eight or ten years. This fact should be borne in mind by the friends of paper-money, that the only advantage which the candid and intelligent writers on that side of the question (witness Mr. Gallatin) claim for paper, is this, that by the substitution of paper, sustained by public confidence, for an equal quantity of specie, the use of the latter is left free as so much additional capital. In other words, the annual saving or gain is worth the interest on the quantity of specie superseded by paper. The answer to this argument is easy. In the first place, apart from the main evil of fluctuation, the cost of the paper-money machinery is much greater than this annual saving of a few millions; in the second place, a circulating medium is a great labor-saving machine, for the use of which we ought not to object to pay, performing as it does functions so useful and indispensable, as we do not grudge the interest on the capital invested in a steam-engine; and in the third place, this annual saving, made at the

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expense of evils incalculably greater, is absolutely nothing in comparison with the annual income of production of this country, which is computed to exceed a thousand millions of dollars in value.

The greatest conceivable evil to an industrious and commercial community is an unstable measure of value. Pregnant as it is with moral evil of the most fatal character, the actual physical injury also, to its external prosperity and well-being, is, we are well satisfied, scarcely less great in amount, though incomparably less important in its character. This has been already too often experienced by us to need illustration. The natural fluctuations of commerce, in a healthy state, under the action of the laws of trade, are in themselves an evil serious enough; but to superadd to them the gratuitous aggravation, of uncertainty in the measure of value to which all its transactions refer themselves, would seem indeed the last extreme of folly. It is impossible for any imagination to conceive a full idea of the pernicious effects of such a system. It unsettles the basis of all contracts and all calculations; it gives to every business more or less of a speculating and gambling character, and taints the national heart in a greater or less degree with the fatal moral poison which pervades the atmosphere of the gaming-table. It presses like a dreadful incubus upon the poor man, and the plain laboring mass of the people, tending as it does constantly to keep up an inflation of the prices of the necessaries of life above the rates of the wages of labor, and exposing them to frequent vicissitudes, with the disasters with which the periodical revulsions attendant on the system agitate and derange all the movements of society. It stimulates an unhealthy and immoral spirit of speculation, which seduces countless thousands from the slow and laborious pursuits of productive industry to the more tempting avenues to speedy wealth, at the cost of the labor of others, which it seems to open to them. And even if it does from time to time excite enterprise and industry to a more rapid developement of a country's resources than might otherwise take place—which may well be doubted—it is but the morbid overaction of intoxication, and, in addition to the loss of the actual waste of luxury, the country is again thrown back by every periodical revulsion to a point less advanced than it would have reached within the same time in a more healthy and natural progress.

It is a great mistake to imagine that credit is at all dependent on the use of bank paper. This error, which is so prevalent, arises from a confusion of ideas between credit, proper, and *credit-money*. It by no means follows, that because credit is a good thing in itself, it ought to enter into the standard of value, and thus establish a universal system of double or compound credit. On the contrary, since confidence on the part of those who give credit is its first element, it is plain that every cause in operation tending to un-

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settle the basis on which the business of the community is conducted, and thus to increase its uncertainties and multiply its risks, is a serious injury to a healthy and legitimate credit. The fact is, that under our much vaunted "credit-system," we have comparatively little of a sound and natural credit. Credit is a thing essentially *personal* in its nature, having reference to the character and competence of the individual to whom it is given; yet who ever hears of *personal* credit being given to any extent among us? It is rarely given but for very short terms, accompanied with a practice of *suretyship*, which is, after all, entirely nugatory, giving rise to that of interchanging endorsements, which thus makes each loan dependent on the means of the single individual, and not on the double security. Or who ever hears of credit being given to character—to the personal worth and integrity of young men commencing business? A very different system of credit prevails in those commercial communities in which it has a sound currency to rest upon; and it can never be until we reform amongst ourselves this radical evil of a fluctuating currency, that we can realize half of the benefits of this all important principle of commerce and civilization, *Credit.*

Suppose the present state of things reformed, and a sound currency introduced, founded strictly on the metallic standard, by some gradual process that should guard against any sudden derangement of the basis of existing contracts—that is to say, specie alone, and paper representing specie, dollar for dollar—what would be its effect? The *nominal* value of all property would be somewhat reduced, though much less than is commonly supposed. The general scale of prices would be lowered, including the necessaries and comforts of life, which would remain moderate and uniform, regulated solely by the natural laws of trade. We should enjoy an immense advantage over all foreign nations using paper currency, in producing at low specie prices. Our exports would be vastly increased in quantity and profit. We should manufacture not only for ourselves at lower cost than the foreign manufacturer could afford, but should be able to undersell him in the market of the world. Of those articles of foreign production desirable for comfort or luxury, which we could not so advantageously produce at home, the exchange of our staples and products would bring us back a larger amount than at present, under our high prices of production at home; and all foreign nations with which we should have dealings would pay us an annual tribute of a balance of trade constantly in our favor. And as money would be of so much more worth in such a country than under a *régime* of paper money, we should have an ample command of foreign capital invested permanently in our industrial establishments, and in aiding enterprise and

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industry in the developement of the teeming and inexhaustible resources of our soil.

The imagination can with difficulty realize a conception of the spectacle of rapid, healthy, steady, and universally diffused prosperity which this country would exhibit, accompanied with an extent and facility of natural and sound credit, then indeed truly deserving the name, of which the deluded partisans of our present wretched "credit system" have never formed an idea.

However, the actual state of things must be taken as we find it. Our system of bank-note currency we regard as about the very worst possible; being not only in a state of constant fluctuation, ever tending to expansion, followed up necessarily by severe contraction, but being issued by a limited number of favored individuals, whose private interests artfully invest themselves with a certain *quasi*-public character through a legislative charter, and who are able in their private business to derive immense advantage over, and at the expense of, the rest of the community, by presiding over the working of this great machine of the currency. We deplore its existence, and the strength of the hold which it has acquired over the public mind, through the countless hosts of the most influential persons in society who are interested in it. We tremble at the thought of all the suffering and evil which the country will yet have to experience from it, before public opinion will have matured itself for its thorough reform. It is impossible to foretell when the day will come, which most surely is approaching, that shall witness the extinction of the element of credit in the currency or *measure of value* of the community. It may be half a century or a century, or a longer or a shorter time—in our opinion, a *much shorter time*—no human sagacity can prophecy; and the opinions of those who have reflected on the subject differ about it. It is a process to be accomplished only by public opinion, matured by free discussion, and aroused by suffering. It is one with which we consider that the Federal Government has little or nothing to do. It is not for it to reform the currency, or the banking systems of the States. Nor is it any part of its policy, under the administration of the present dominant party at least, to attempt the task. In fact, we do not know to what extent the views here stated on the general subject, as an abstract question, are entertained by others. The advocacy of the "Specie Clause" by no means implies a coincidence of opinion with them, in relation to paper currency, or credit-money, in general. We are not afraid of the unpopularity of the declaration, that we have no faith in it at all; and have gone rather beyond the proper limits of our subject to illustrate strongly the evil of a fluctuating currency. To that extent, at least, all honest opinions must go with us. The highest merit which the most blinded dupe of the "paper-money humbug,

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claims for paper, a *equivalency* to specie; and all acknowledge the necessity of some check upon the perpetual tendency of our banks to excess of issues;—and this brings us directly to what we intend as the main point of the present Article—which is, that Congress will be most culpably and fatally false to a most imperative duty, if it adjourn at the present session without adopting the specie policy of the Administration, for the future fiscal operations of the Federal Government.

There was a certain degree of plausibility in the objection heretofore made to the "Specie Clause," that the moment for its introduction, during the suspension of specie payments, and the prevalence of a general alarm and distrust was at least inauspicious. That the action of Congress ought rather to be towards the revival of "*confidence*" on the part of the people in the banks, which then, in their prostrate and critical position, stood in such urgent need of it,—instead of adopting a provision of law which should presume a distrust of bank-paper medium. This objection, in connexion with other motives which were satisfactory to the majority of the House of Representatives, prevailed, at the first and second sessions of the present Congress, notwithstanding the long prospective operation which was given to the proposed principle in both the bills which passed the Senate, extending gradually in the one case through four, and in the other through six, years. But the question now recurs again, *under an aspect totally changed.* The resumption has taken place. Business has revived, and is reviving, far more rapidly than, from the severity of the revulsion, could have been anticipated by any one. Not only is "confidence" restored, but it appears, from the general disposition to coöperate in the return of specie payments, and from the manifestation which the country has witnessed of the omnipotence of the bank interest over legislation, to have acquired a renewed elasticity, a renewed vigor. The disposition to "*confidence*" in the use of paper money has never appeared stronger than at present. The danger is not only great, but already imminent, of the tendency in the opposite direction. After the agitated and uncertain state of the currency during the suspension, now that the same nominal "specie payments" which have always before existed are restored, no greater disposition appears to exist than before, to make that professed "convertibility" a reality, instead of the mere delusion which, in point of fact, it is. The paper bubble is again expanding, and rapidly. Confidence in it is running as high as ever. A new mode of inflation has recently been brought into operation, which is working in every direction with prodigious activity—that of the *free-banking laws.* Within a very short period, half, if not a large majority, of the States will have adopted them. Founded as they are on false principles, and applied to the existing artificial

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and vicious system, and unaccompanied with any effective check upon excessive issues, we regard the operation of these as pernicious in the extreme. The institutions created under these laws are certainly as sound as those heretofore existing under special charters of monopoly. Their notes will no doubt be as safe, and therefore as readily current, as those of other banks, resting still on the artificial basis of a *quasi*-public character, and the presumed foundation of ample pledged and mortgaged security; so that the only effect of these laws is to remove the restrictions heretofore existing on the increase of the currency-issuing institutions, and to permit their multiplication to any extent. We repeat, that *the paper bubble is again rapidly expanding, and as rapidly preparing for another explosion.* No man in his senses can shut his eyes to this fact; and its bearing upon the question of the "Specie Clause" is of immense importance, presenting it on ground entirely distinct from that which it has before occupied, and to which we most earnestly invoke the attention of Congress and of the country.

The question now is—which this Congress has the responsibility of meeting—shall the currency continue in this state without any regulator to moderate its irrepressible tendency to excess?

The advocates of a National Bank have always been right in one respect, namely, that some check was indispensable upon the issues of the State banks, which, acting separately, without concert, but in competition, and all under the common impulse of an inherent tendency to over-action, were constantly liable to run into excess of issues. The nominal check of "convertibility," it is perfectly understood, amounts to little or nothing, being, in the actual state of things, but an empty delusion coming into play only after the mischief is completed. This unquestionably sound idea has been the principal strength of the opinion in favor of a National Bank. The mistake consisted in regarding such an institution as an effective check—and, if it were so, as a desirable one—upon this general tendency to overaction. It was supposed that through so vast and widely extended a business, in case of excessive issue by any bank, so large a quantity of the notes of such bank would come into its hands, that their return for redemption would compel the curtailment requisite to restore the proper equilibrium; while its great power would enable it to regulate and check at pleasure every minor institution whose proceedings it might have reason to distrust. In this reasoning there was a double error—*in the first place*, that of not taking into account, that the proposed regulator itself is organized on the same principles which in the others produce the very evil to be guarded against; and that therefore its operation is more likely to aggravate than to remedy the disease, as experience has in fact repeatedly demonstrated, especially in the

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case of the last two expansions and contractions;—and *in the second place*, that it is entirely unwise and unsafe to delegate so enormous a power of practical sovereignty over all the moneyed interests and general value of property and labor of the country to any set of individuals, acting naturally on the same principles of self-interest that universally govern human action, a common law from which bank-directors are certainly not specially exempt. These were the leading errors of the reasoning,—the premise, namely, the necessity of some effective and omnipresent check, was, and so long as our "credit system" exists must be, unquestionably sound.

The revival of a National Bank, under a Federal charter, is, for the present at least, impossible. The opinion against it has been growing stronger and stronger. Its own friends in various quarters have even been seen to yield to the manifest will of the majority, and to disown its advocacy. And of all those former members of the Democratic party who, under the title of "Conservatives," now form part of the Opposition, chiefly in reference to the financial policy of the Administration, the greater portion profess themselves still opposed to a National Bank, and are too strongly bound by the pledges of their whole political life to be ever able to support the revival of such an institution. Ineffective and pernicious, then, as such a "regulator" would be, even that is out of the question. Shall there, then, be none at all? Shall the elements which are now so actively at work to bring about *another and a more severe convulsion*, within probably the space of two years, be allowed free play and scope, without an attempt to apply such moderating check upon their over-action as may be legitimately within the competency of the Federal Government? This is a question which, in all friendliness, we warn members of the Opposition not to make light of—and especially those few individuals on whom rests the responsibility of controlling the action of Congress.

The collection and disbursement of the public revenue in specie is the only efficient check now within the power of the Federal Government. The great evil now is, that there is no practical demand for and circulation of specie. The currency of paper-money rests upon the confidence of the community in its "convertibility," and upon that alone. If there were a circulation of specie along with it, side by side with it, to any considerable extent, it would serve as the most efficient, moderate, steady and uniform check upon it that could be devised. If a steady demand is created for specie, paper may safely be left to gain what circulation, side by side with it, its credit may enable it sustain. The one then serves as a constant balance to the other. Any considerable depreciation of paper by excess makes itself immediately apparent by the comparison which must be every where sensible to every eye, with the uniform un-

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fluctuating level of this standard. A comparatively insignificant amount of specie circulation will suffice for this function of a "regulator," provided it be but regular and constant in its action. The quantity of the ballast that steadies the ship is insignificant in comparison with the bulk and mass of the whole, and the wide expanse of canvass which it spreads to the breeze. The amount of specie required for the fiscal action of the Federal Government, it has been conclusively shewn, will not exceed from five to ten millions of dollars. It cannot be more than a third or a fourth of the whole revenue, since by disbursement *pari passu* with collection it must perform the circuit three or four times within the course of the year. Even assume that it will require ten millions—there can be no pretension that there is not enough in the country. Why, that amount is not one-sixth of the *addition* to our stock within the period of the last Administration—and probably not one-half of the addition already made within the first half of the present.

What rational objection can be made to this measure? It will not impair public "confidence" in the banks: that is already strong enough, and too strong. It will, on the contrary, exempt their credit from all the vicissitudes inseparable from a connection with Government and with politics; and by placing all on a common level of exclusion from the transactions of the Government, it will deprive the Executive of the dangerous power of discrimination between different kinds of paper and different institutions. The amount of transactions of the Government is altogether insignificant in comparison with the business transactions of the community,—so as in fact to bear no proportion at all to the latter. And it will place the affairs of the public treasury on the only solid and safe basis which will exempt it from liability to a similar derangement, in the approaching convulsion, to that of which the effects have been seen to be so deplorable to every sincere patriot of whatever party, in the last one.

We repeat that this question is a very different one at the present session, from the character it wore at the last. And a necessity—a most urgent necessity, growing out of the progress of the free banking laws, and the rapid inflation that is taking place in "the credit system"—exists now for the immediate adoption of the specie policy in the affairs of the public treasury, which has never existed in a similar degree before.

In the former Divorce Bills which have been rejected by the House of Representatives, the introduction of this principle was made very slow and gradual, out of regard to the sensitive state of public credit, and the immaturity of public opinion, at the time. It ought now to be made, in our opinion, speedy and total. The country is amply prepared for it; and the evil hour which this policy will avert, from the sphere of the public affairs at least, and

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which it will greatly mitigate for the community at large, is rapidly approaching.

We hope at least that this argument, unanswerable and overwhelming as it appears to our calmest judgment, will be urged home in the debates on the subject before the close of the session. Let every man, and let the country, understand fully the high responsibility which rests upon every vote given on this question. And if the public treasury is to be compelled to coöperate with the general delusion of excessive confidence in paper issues, by the practical exclusion of specie from its transactions—if it is to be left exposed, as before, to the approaching danger of which so severe an experience has already been felt—if the morbid inflation of credit, through the fatal agency of paper-money, is to be suffered to continue, unregulated by restraint or check, even of so moderate a character as that proposed—let the responsibility of the inevitable consequences rest where it belongs. The voice of warning is raised loud enough, and long enough in advance. Wo to those who shall disregard it, and shall sacrifice on the unhallowed shrine of party passion, prejudice, and interest, the solemn duty to their country which that warning enjoins. The day is not far distant when they will be called, by the righteous indignation of a great people, to a retribution which will be a total and crushing political annihilation.

What will Congress do on this subject? No indication has yet manifested itself. Something must be done. We hear no voice raised in advocacy of a re-union of Bank and State. No one appears bold enough, or far enough behind the onward march of opinion, to venture it. Will a majority dare assume the responsibility of shrinking from the question, and cowering, as before, behind the inglorious position of *inaction?* A few weeks must decide.

We will suggest a compromise which may bring together the conflicting opinions on this vexed subject of the Sub-Treasury Divorce. The presumed control which that measure will give to the Executive over the currency, the increase of patronage it will vest in its hands, and the danger to the public funds in the custody of individuals, are the only arguments (if we may so misapply the term) which we ever hear against it. Futile and absurd as they have been over and over again proved to be, they have had a sufficiency of a certain popular *ad captandum* plausibility, to serve as a basis for partisan opposition and agitation. Now, we care very little for this question of *custody*. The practical *divorce* is the great principle involved. We have very little doubt that if the Opposition will unite with the friends of the measure on this ground of collection and disbursement in specie alone, the latter will readily give up that of *custody*. The money may be kept in special deposite in the vaults of banks, or incorporations of any kind, that may be

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preferred. The Executive need not appoint a single officer. nor buy a single key, padlock, or fire-proof safe, if those of incorporated institutions are considered so much more secure. This whole clamor about Executive control over the public money, and defalcation of sub-treasurers, must be silenced by the offer of such a compromise, and the great question of the Divorce, on its essential principles, be presented in a simple point of view, stripped of incidental accessaries, which must make it impossible, as it seems to us, for the most reckless factiousness of opposition to object to the inestimable reform which it is calculated to introduce into the fiscal administration of the Federal Government. We should be glad to hear the objections which our Conservative friends, who have been seized with such a holy horror of Executive patent-locks, and of the creation of a dozen new public officers, and who are at the same time so anxious for "compromise" and "conciliation," will have to urge against this new form of the great principle of the Divorce.

NOTES OF THE MONTH.

FREE BANKING.

As this subject has recently grown into sudden prominence and importance, we will take advantage of the few remaining pages in our present Number, to state explicitly our views of this question of "Free Banking," as they have been on several occasions misrepresented, and their consistency with the general principles of this Review, impugned. We regard the laws purporting to be "Free Banking" laws, which have recently been adopted or introduced in seven or eight States of the Union, as a very pernicious aggravation of the evils of the existing artificial paper-money system. If the actual state of things were suddenly blotted out of existence, and we had to recommence anew to construct a perfect system on abstract principles, we should look for perfection only in absolute unrestricted freedom; and every person, or combination of persons, should be at liberty to issue paper "currency" *ad libitum*, to maintain whatever circulation the competition of others might enable it to acquire. We believe that such a state of things would soon lead to a sound and stable currency, founded on the specie standard alone; and that it would soon become evident that the element of credit in *money* is supported only by the artificial public character which is given to the paper currency, by unwise legislation hampering the free action of competition, and superseding that of the intelligent vigilance of the public mind. But to propose at present to introduce such a freedom into the midst of the actual existing state of things, is more absurd than the wildest extravagance of the most Utopian revolutionist. The present is indeed an age of reform, and the most delicate problem to be solved is that of the exact *mode* in which the great principles of abstract truth, by which so many vicious social institutions are to be reorganized, are to be introduced into practice—and not only the exact *mode*, but the exact *degree of rapidity*. We belong to the school that looks upon LIBERTY as the main principle of reform to the action of which we should trust, in preference

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to the clumsy and too often corrupt operation of LAW. But the world has been taught too many severe lessons of the danger of *too* sudden a relaxation of existing restraints, before a proper preparation of the public mind and public *habits*, to incline us to a headlong and reckless rapidity in this great work. *Festina lente.* Much as this Review has been denounced on the charge of "radical ultraism," we are by no means insensible to the value of this useful, though often greatly abused, maxim. That which has gradually become diseased by a long course of bad legislation, must be gradually restored to a certain degree at least of health and soundness by good legislation, before it can be safely left to itself without control or direction. Relapse and reaction are the chief dangers to be guarded against during the process of improvement and convalescence. Now in the case of this subject of paper-money banking, the mode in which we see the very friends of the pernicious principles on which it is founded, introducing into it the principle of freedom—the characteristic principle of the opposite school of opinion to their own—appears to us very bad, though bringing with it the consolation that it will precipitate the day of reform, even though at the expense of aggravated convulsion and suffering. Great questions of this kind must after all take their own course, and it is idle to quarrel with destiny. We have sinned and we must suffer, unto the third and fourth generations—and those who have sown the wind must be prepared to reap the whirlwind. It is still, however, worth while at least to provide a partial shelter from its coming fury.

It was a curious circumstance to witness, in the State of New York, which has set in motion this ball of "free banking," the mode in which that operation was effected. The "Loco-Foco" party had been for years denouncing the existing system of paper-money banking. There had been such an agitation of the subject that a strong public opinion had been aroused, adverse to its further extension, and especially to its feature of monopoly. In this state of things, by the sudden and sweeping convulsion of the year of suspension, the Whig party got into power in the State Legislature. The creation of new banks, on the plan and model of the old, would not have been tolerated by the public sentiment of the State, even if there had not remained a Democratic majority in the Senate. Accordingly, as the only means of evading the popular objection to any further extension of the system, the Whig party was seen to turn round, adopt the Loco-focoism of *anti-monopoly*, which they had been so long denouncing and ridiculing; and though they dared not and could not create a new bank, yet they passed a law authorizing the self-creation of as many as should choose to come into operation, on certain prescribed principles, which, however, contained no material provision against the real evil of the system, its tendency to excess in the emission of paper currency. The restrictions with which it was accompanied were directed solely to the object of guaranteeing the security of the paper.

Now, the danger of ultimate loss to the bill-holder is an entirely insignificant portion of the evil of the present system; and its essential vice is quite independent of that circumstance. The great evil consists in the fluctuations to which it exposes the currency; and a contrivance which tends to increase the popular confidence in the circulation of the paper, by the ultimate safeguard of the pledges of stocks and mortgages,—and at the same time to permit the free multiplication of the institutions emitting it, to the utmost extent that the expanding bubble will tolerate—is an aggravation, rather than a remedy, of the evil. This is an instance of the mischief growing out of the improper mode of introducing the great principle of reform, liberty, by a partial and ill-directed application of it, into the midst of an existing evil system, full of artificial complexity, and operating directly and powerfully on the well-being of society. It is in this case the mere removal of existing restraints upon the evil elements and tendencies of the system.

If the law authorizing the unrestricted creation of banks for the emission of paper-money, had been accompanied with some provisions for the purpose of keeping down the paper currency they should issue to the level of real, *bona fide* equivalency to spe-

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cie—such as a summary and severe bankrupt law, and the creation of a regular demand for and circulation of specie, as would be effected by confining the Federal Government, for instance, to the use of that medium alone—then indeed it would have met our full approval, as a safe remedy for a large portion of the existing evil. But while the present state of things is in full vogue, the infatuation of the use of paper in full sway of the public mind, and while every attempt to moderate and steady its inherent tendency to excess by the use and circulation of specie is denounced and opposed, we cannot but look with unmixed reprobation and regret, upon these laws, which resemble in no other feature than in name *that* "freedom of trade in banking" which we have always advocated. And it is only an instance of the proverbial facility with which the devil can quote scripture, to see the advocates of paper-money (a contrivance essentially anti-democratic, and opposed as such by all the old apostles of American democracy) take the phrases and arguments in favor of freedom, out of the mouths of the democratic school of opinion, to apply them, by an artifice of the most insidious ingenuiiy, to the purpose of multiplying and aggravating the very evils that school has so long been laboring to reform. However, we repeat, that a consolation is to be found—though a painful one, and not to be contemplated without trembling—in the reflection that, by thus allowing free scope to the evil to develope and exhaust itself, it will the sooner work out, by the experience of suffering, that complete cure of the existing infatuation of the public mind on this subject, from which alone a thorough and permanent reform is ever to be expected.

AMERICA VESPUCCI.

In the midst of the *melée* of the strife of parties at the seat of government, the arrival of a beautiful young female, a direct and lineal descendant of the famous old navigator whose name she bears, in common with this continent—an exile from country and home, to which she has bid an eternal farewell, on account of the political opinions which an Austrian despotism could not tolerate even in a woman—casting herself with a frank and noble confidence on the magnanimity of the great nation to which she has always felt herself bound by a peculiar tie, which may well be presumed to have insensibly given its direction to the formation of her character and opinions—such an arrival is too remarkable an occurrence, and too agreeable a relief to the embittered excitement of politics, to be suffered to pass without at least a brief and slight notice in these pages.

The circumstances which have led this interesting young stranger to our shores—if it is not a misapplication of the word to designate her as a *stranger*, though the soft accents of her native Tuscan are as yet the only language familiar to her lips—may be thus briefly stated.

After spending, like most of the young Italian ladies of rank, fourteen years of her youth in a convent for her education (the convent of *Le Signore della Quiete*, in the environs of Florence) she was introduced into the midst of the brilliant society of the capital and court of the Grand Duke of Tuscany, at the age of seventeen. She was placed by her parents in the service of the Grand Duchess, as a "*demoiselle de compagnie*," or maid of honor. There she was of course surrounded with all the seductive influences of European aristocratic life, in the midst of the splendors and luxuries of the Pitti Palace. Her mind had, however, already—by its own self-derived impulses, as it would seem, for it was certainly entirely at variance with all he natural bias of such an education and such a position— taken a decided direction in the movement of liberal ideas which is the leading characteristic of the age, and which in no country has exercised a stronger influence upon the imagination of ardent youth than in Italy. Possessed of rare natural talents, highly accomplished by reading and cultivation, with remarkable force of character, vivacity of imagination,

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and energy of will, it will not be a subject of surprise, that, during the agitations that were fermenting in the north of Italy immediately after the French Revolution, she was one of the few females whose social position and personal qualities gained them admission to the secret societies which were conspiring to rid Italy of the dominion of a foreign despotism, and to unite the whole of that beautiful and unhappy land under a single sovereignty, which might again restore it to a rank amidst the family of nations. But we are not aware of any others whose ardor carried them beyond the private machinations of conspiracy, to the actual field of battle and blood.

In the attempted rising of August, 1832, and in the engagement with the Austrians on the banks of the *Rimini*, in which it will be remembered by our readers that young Louis Bonaparte took part, she conducted herself with great gallantry, and received a severe sabre stroke on the back of her head, from an Austrian dragoon (to whom, however, though nameless, the justice ought to be done to state that he did not know her to be a woman;) and in her fall to the ground, her right arm was broken by the weight of her horse falling upon it. Though suspected, her disguised participation in this affair could not be proved, and after her recovery from her wounds she spent two years at her father's house in Florence, though under a vigilant surveillance. This resulted in the interception of a letter to her, as secretary of one of the sections of the Society of "*La Jeune Italie*," which made it apparent that she could disclose its entire organization in Tuscany. She was accordingly required either to betray her associates, or to quit Florence *within twenty-four hours*. Her choice between these two alternatives does not need to be stated. She found a present asylum under the protection of the Queen of the French; and it is under the auspices of the French flag, and the highest guarantees of the genuineness of her title to American sympathy and friendship, in all points of view, of character, conduct, family, and position, that she is now here, in the country to which she has always looked as her natural home of refuge and protection. Her letter to Congress, already before the public, presents her case to that body and to the country with an elegance and eloquence to which we can add nothing further, to support her simple and dignified appeal to the generous magnanimity of the great nation "christened," to use her own language, by the ancestor who has bequeathed to her, as to it, his imperishable name. Our limits permit us to quote only its concluding paragraphs:

"America Vespucci will make no demand on the American Government. Those who make demands are presumed to have rights to be established or justice to claim. She has neither. She knows that the Americans have been magnanimous towards all who have rendered services to the nation; that they have been generous towards all who have done a noble act for their country; and that they have, moreover, granted protection and even assistance to emigrants from other nations. There is but one Vespucius who has given his name to a quarter of the globe. Will the Americans do nothing for the descendant of Americus? She desires a country, she seeks a land that will receive her as a friend. She has a name; that is all her inheritance, all her fortune. May this hospitable nation grant her a corner of that land in which it is so rich, and may the title of citizen be bestowed upon the poor emigrant!

"If Americus Vespucius were now alive the Americans would rush in crowds to offer him honors and rewards. In the nineteenth century will this civilized nation forget that in the veins of his descendant flows the same blood? America Vespucci collected all her little fortune in order to reach this country; now, she desires only to make known her position to the Congress of this great nation, feeling confident that the Americans will never abandon her. She will not ask, having no other claim than that of bearing the name of America, but she will receive a gift from the nation by which she hopes not to be regarded as a stranger. That will not humiliate her. Such an act of generosity will console her feelings, honor her name, flatter her family, and even her country. The gifts of a nation always honor those who receive them. When the world shall know that the American nation has done an act of generosity in favor of the descendant of Vespucius, will not the approbation of all man kind be a glorious recompense? And true gratitude will remain in the heart of AMERICA VESPUCCI."

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THE

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MADISON, AND THE MADISON PAPERS.*

It had long been rumoured that there existed among the papers of Mr. Madison, a complete and accurate report of the Debates in the Convention which framed the Constitution, and the verification of the fact since his death, may be justly regarded as one of the most interesting events in the history of our national literature. The feeling every day deepening and strengthening throughout the land, that to the political advantages secured to them by that happy instrument the people of this country are mainly indebted for the utterly unexampled national prosperity which has been the portion of the United States, and that with its inviolable maintenance that onward destiny is inseparably linked; as well as the conviction every day becoming clearer with the great mass of our people, that the only guarantee for the continuance of these manifold blessings, is to be found in a strict construction of its provisions in regulating all public action, and in bringing every political measure to the rigid test of its restrictions, have united to give a value almost sacred to every authentic document calculated to throw light upon the history of the Constitution, and on the opinions and motives which actuated its framers in perfecting what, with all its faults, must be pronounced the noblest, and most perfect political code the world has ever seen.

The paucity and meagre character of the materials which we possess bearing on the history of the Constitution, will give additional value to the richness of these newly discovered treasures.

* Debates in the Congress of the Confederation, as taken in the years 1782,-'3, and 1787, by James Madison, then a member, with letters and extracts of letters from him during the periods of his service in that Congress. MSS. 510 pages.

Debates in the Federal Convention of 1787, by James Madison, a member. MSS. 1,246 pages. (Both purchased by Congress, and about to be published by their direction.)

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The imperfect Journal of the Convention, which, by order of the body, was transferred to the keeping of its President, General Washington, and was filed among his papers in the Department of State, was published, by order of Congress, in 1819; and even in this case we are indebted to the provident industry of Madison, for the corrections and additions which were necessary to make even this official record of their proceedings intelligible. So accurately had this illustrious man—as if forewarned by his destiny of the value which future times would attach to their labors—kept his private minutes of the proceedings in the Convention, that he was able, on the application of President Monroe, to complete in all its parts the journal left unfinished more than thirty years before, by the Secretary appointed to record it; and which thus constitutes not less a memorial of these important labors, than an interesting tribute to a representative fidelity and care, that we may safely call without a parallel. The Debates in the States of Massachusetts, New York, Virginia, North Carolina, and Pennsylvania, on the adoption of the Constitution, are all that have reached us. They have been collected in a slovenly publication issued at Washington, but contain contemporary materials of a sufficient value to warrant their preservation in a form at once durable and respectable. These, with the minutes of Yates, who left the Convention long before it adjourned, and the very interesting statements of Luther Martin, and of Governor Edmund Randolph, to the Legislatures of Maryland and Virginia, constitute all the materials we possess for the history of that memorable assemblage, from which the broad and stately fabric of our present system has dated its commencement. The interest, therefore, which must attach to a FULL REPORT OF THE ENTIRE DEBATES, by a hand of whose faithful accuracy we have above mentioned a striking test, may be easily imagined; and every lover of his country will be ready to admit that one of the fathers of that Constitution which has safely conducted it through so many dangers to so high a destiny, did not over-estimate its importance in the opinion of his grateful country, when he left it such a manuscript, as at once the most precious legacy he could offer, and the best fruit of his long and illustrious life.

We do not propose more in the present paper than to give an account of the manuscripts and their history, reserving for future notice the observations that their contents may suggest, when they shall be in possession of the public.

The first distinct information of the character and extent of the work was communicated to the country in a letter from Mrs. Madison to President Jackson, and by him transmitted to Congress, as a matter in every respect deserving their attention. It appeared from this letter that the departed statesman had, long previous to his death, carefully written out his notes of the Debates in the Convention for

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the press, and had left directions in his will for their publication, charging several legacies on the profits which he reasonably expected the work would produce. The proposals, however, which his heirs received from the publishing houses to which the copy-right was offered, fell so far short of these expectations, that Mrs. Madison, with a just perception of what was under the circumstances due from the country, at once submitted a statement of the circumstances to the President, who communicated them to Congress in a special message on the eighth of December, 1836. The result was the appointment of a Committee, who recommended the purchase and publication of the manuscripts as a National Work, and thirty thousand dollars were subsequently appropriated to Mrs. Madison for the former object. The novel and interesting features of the case, —the venerated relict of one of the founders of the Republic coming before the country with a manuscript precious in its relation to its national destiny as the Sybil's books which the fables of mythology have loved to associate with the infant glories of the Roman State, —were such that the proposition was not to be met with a cold appreciation of merits, or with nice questions of Congressional power; and this feeling, combined with the consciousness that the amount did not nearly equal that which every Congress was in the habit of appropriating with lavish hand for publications unknown to all literature save that of the contingent fund, and not the less costly or paramount in their claims on the national purse, that they are as regularly denominated "trash" and "rubbish" by hundreds of grumbling economists, as the everlasting appropriation comes up for yearly action, silenced the constitutional scruples of the school who believe with us, that Congress has not the right to spend money by constructive legislation, because it may have the power. Indeed all the legislative proceedings in relation to this matter, rather resembled the tribute of a grateful country through its highest representative body, to the family of a citizen so illustrious alike by his character, his employments and his services to the State, than the purchase of a work, merely useful or interesting, for a given value. It was this feeling also which induced Congress to pass a subsequent act, giving to Mrs. Madison the honorary privilege of a copy-right in foreign countries, with the single proviso that the manuscripts in possession of Congress should not be used for the purpose, doubtless to avoid the impropriety of a work being published abroad, before its appearance in the country where it was the national property, and to which its subject exclusively appertained, a merely nominal restriction, since one of the copies printed here would afford every requisite facility should its republication be desired.

The work thus purchased was transferred by Congress to the care of the Joint Committee of the Library, and that body, it is understood, after inviting propositions from numerous publishers,

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have made arrangements for its early appearance in suitable style, and by attaching a fixed sum for the copy-right of the work, to each copy that may be sold, sought to meet the original constitutional objection by putting it in the power of the country to repay the liberal advance which the Legislature has made from the National Treasury for the purchase of the work. We now proceed to give a brief description of the manuscripts.

The work consists of two distinct parts. The first contains the only records known to exist of Debates in the Congress of the Confederation; and as these Debates are merely fragments of those which occurred during the years 1782 and 1787, the interval has been filled up with numerous letters and extracts of letters descriptive of passing events, which were written by Mr. Madison in his official capacity to various distinguished friends, and which will be received as valuable accessions to our materials for the history of the period. Respecting these letters and debates, Mr. Madison himself gives the following circumstantial and authentic information in a prefatory note attached to the volume:

"Mr. Madison took his seat in the Congress of the Confederation on the twentieth day of March, 1780, but did not commence his Diary of its Debates till November fourth, 1782. It was continued through the sequel of that year, and until the removal of Congress was decided on the twenty-first of June, 1783, from Philadelphia to Princeton, where the task was not renewed.

"In February, 1787, being again a member, he resumed his Diary, which was continued till May second of that year, when he left Congress to give his attendance in the approaching Convention at Philadelphia, which was to prepare a new Constitution for the United States.

"On the close of that Convention he returned to his seat in Congress, which he held till March, 1788, when he was called to Virginia with a view to his being elected to the State Convention which was to decide on the Constitution proposed by the General Convention. During this period it appears that no Diary was kept—the effect perhaps of the share he had in writing the Federalist. Nor was it resumed in the interval between his return from the close of the State Convention, and his final departure from Congress, then in the last stage of its existence, to become a candidate for a seat in the approaching House of Representatives under the new Constitution.

"The series of Debates now published, though generally condensed into their substance, are not without more detailed discussions on particular topics; and being, with the exception of the debates in 1776 on the Declaration of Independence, and on a few of the articles of the Confederation preserved by Mr. Jefferson, which are also prefixed, the only known or probable materials of what passed in Congress in that form, they cannot fail to be particularly acceptable to the public. The periods of the Diary comprise much that has been least known, and is of a nature to gratify a just curiosity.

"As Mr. Madison was engaged, whilst a member of the old Congress, in regular and often confidential correspondence* with several distinguished friends, some of them at that time his absent colleagues, it was thought that a number of his letters, and extracts from others, in which he gives information of what occurred in Con-

"* His letters of an important and secret nature to Mr. Jefferson and Mr. Randolph were written in cypher, but decyphered under his eye, except a few of a cypher used a short time with Mr. Randolph, the key to which could not be discovered.'

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gress, as well as what related to the public affairs generally, might advantageously make a part of this publication. Such of the communications as were contemporary with the Diary often add to the lights which it affords, and such as belong to the periods prior and subsequent to it will often supply its place, and sometimes perhaps more than supply it.

"It cannot be amiss to remark, that the letters derive a value not only from their perfect authenticity, and from the position of the writer as a member of Congress, but from the consideration that they were written without a thought that they would ever meet the public eye. So entirely absent was such a thought, that no copies, with scarce an exception, were, or indeed, considering their number, the frequency and the haste of the letters, and the situation of the writer, could be retained. And it was owing to the kindness of his correspondents or their representatives, that the originals here used make a part of his files. It is regretted that some of those originals were not effectually guarded against damage, and that others appear to be missing."

The more important Debates of the Convention which framed the Constitution, partake in no respect of the imperfections which must necessarily be expected in a preliminary volume thus composed of historical fragments, which fortunate though accidental circumstances only enabled their author to preserve, and which were never intended as portions of a more perfect and permanent work. Mr. Madison entered upon the duties of the Convention with a solemn sense of responsibility to his country and to posterity, which controlled all his actions; and the record of the debates which he preserved was the result of a deliberate and systematic design, originating in a profound appreciation of the importance of the discussions he recorded, which looked far into the future, and beyond the grave for a reward. These labors, which were viewed with distrust, by many, with unconcern, or hopelessly by others, and with doubt and anxiety by all contemporaries, he, with a few other trusting spirits, as surely saw, would be regarded by posterity with the intensest interest and veneration ever accorded to the deliberations of a public body, and unmindful of the vexations and anxieties of the day, the solemn-minded child of the future sat down to his task. No hope of fame, or reward, or applause of his fellow-citizens cheered his way, but the light of truth, manifested in the sublime developement of immortal principles flashed upon his page, as day after day he urged his noble toil, and laid by his volumes for readers then unborn. The generations around were too near to discern rightly the value and importance of his record in all its full and sublime proportions; and with a faith and trust characteristic of the man, he kept his work through all the phases of a long and trying political life, sacred for its owner—the posterity for which it was intended. We confess there is something noble and almost touching in the fidelity with which this reliance was maintained. How often, during the course of the last half century have we not heard our prominent statesmen radically differ in their interpretation of the Constitution? How often during that time have not the intentions of its framers been misrepresented or misunder-

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stood? How often has not every politician, mingling in the party conflicts of the time, felt the loss of the unerring guide which this publication will hereafter afford? How often have we not seen the parties and partisans of the day interpret wrongfully, or darkly, or wilfully, the thoughts and meaning of the past which can now be illustrated and explained beyond the possibility of a cavil, from a work held back in the deep consciousness of its author that the time for full revelation was not come, and that the impenetrable curtain of the grave should be interposed between the last survivor of its framers and the millions of the great and prosperous nation who looked to the Constitution, and the new system of government which it created as the greatest and noblest fruit of the blood and toil of the Revolution—ere the proper period for fully unbosoming the secret proceedings of that time, to the respectful veneration of the country should arrive.

The following extract from a preliminary essay to the volume of Debates, by Mr. Madison himself, will be found most interesting, and will satisfy every mind of the truth of the above remarks, and fully shows how completely he was possessed with the responsibiliy of his self-imposed task, and what thorough confidence may be reposed in advance in reports prepared under such circumstances by such a hand:

"On the arrival of the Virginia deputies at Philadelphia, it occurred to them that from the early and prominent part taken by that State in bringing about the Convention, some initiative step might be expected from them. The resolutions introduced by Governor Randolph were the result of a consultation on the subject, with an understanding that they left all the deputies entirely open to the lights of discussion, and free to concur in any alterations or modifications which their reflections and judgments might approve. The resolutions, as the journals shew, became the basis on which the proceedings of the Convention commenced, and to the developements, variations and modifications of which the plan of government proposed by Convention may be traced.

"The curiosity I had felt during my researches into the history of the most distinguished confederacies, particularly those of antiquity, and the deficiency I found in the means of satisfying it, more especially in what related to the process, the principles, the reasons, and the anticipations which prevailed in the formation of them, determined me to preserve as far as I could, an exact account of what might pass in the Convention whilst executing its trust, with the magnitude of which I was duly impressed, as I was by the gratification promised to future curiosity by an authentic exhibition of the objects, the opinions and the reasonings from which the new system of government was to receive its peculiar structure and organization. Nor was I unaware of the value of such a contribution to the fund of materials for the history of a constitution on which would be staked the happiness of a people great even in its infancy, and possibly the cause of liberty throughout the world.

"In pursuance of the task I had assumed, I chose a seat in front of the presiding member, with the other members on my right and left hands. In this favorable position for hearing all that passed, I noted in terms legible, and in abbreviations and marks intelligible to myself, what was read from the chair or spoken by the members; and losing not a moment unnecessarily between the adjournment and reassembling of the Convention, I was enabled to write out my daily notes during the

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session or within a few finishing days after its close, in the extent and form, preserved in my own hand, on my files.

"In the labor and correctness of this I was not a little aided by practice, and by a familiarity with the style and the train of observation and reasoning which characterized the principal speakers. It happened also that I was not absent a single day, nor more than a casual fraction of an hour in any day, so that I could not have lost a single speech, unless a very short one.

"It may be proper to remark, that with a very few exceptions, the speeches were neither furnished, nor revised, nor sanctioned by the speakers, but written out from my notes, aided by the freshness of my recollections. A further remark may be proper, that views of the subject might occasionally be presented in the speeches and proceedings with a latent reference to a compromise on some middle ground, by mutual concessions. The exceptions alluded to, were, 1st, the sketch furnished by Mr. Randolph, of his speech on the introduction of his propositions on the twenty-ninth day of May. 2d. The speech of Mr. Hamilton, who happened to call on me when putting the last hand to it, and who acknowledged its fidelity, without suggesting more than a very few verbal alterations which were made. 3d. The speech of Governeur Morris on the second day of May, which was communicated to him on a like occasion, and who acquiesced in it without a verbal change. The correctness of his language and the distinctness of his enunciation were particularly favorable to a reporter. The speeches of Dr. Franklin, excepting a few brief ones, were copied from the written ones read to the Convention by his colleague, Mr. Wilson, it being inconvenient to the Doctor to remain long on his feet.

"Of the ability and intelligence of those who composed the Convention the debates and proceedings may be a test; as the character of the work which was the offspring of their deliberations must be tested by the experience of the future, added to that of nearly half a century which has passed.

"But whatever may be the judgment pronounced on the competency of the architects of the Constitution, or whatever may be the destiny of the edifice prepared by them, I feel it a duty to express my profound and solemn conviction derived from my intimate opportunity of appreciating the views of the Convention, collectively and individually, that there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives, or more exclusively or anxiously devoted to the object committed to them, than were the members of the Federal Convention of 1787, to the object of devising and proposing a constitutional system which would best supply the defects of that which it was to replace, and best secure the permanent liberty and happiness of their country."

That resolution of the Convention which closed its doors to the public, gave much umbrage at the time, and exposed the body to great animadversion. Yet how wise and judicious was the provision. Their labor was not for their contemporaries. They worked for the far-off future. They spoke to an audience that no legislative assembly yet has ever addressed. And as posterity was to test the value of their labors, so posterity will now have an opportunity of judging reverently and candidly of their motives, their reasons, their intentions, their fear, and their hopes. The injunction of secrecy has been removed, and the people of the United States may now and henceforward learn and judge for themselves.

One extract, only, are we tempted to make. It is the last sentence of the Work thus sealed up for fifty-two years. And we give it not merely for the striking and deeply interesting anecdote which it contains, but to share with the thousands who will now see it for the first time, the exultation that must come home to every bosom,

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in the feeling that the prophetic emblem of Franklin has been so completely verified in an amount of national greatness, prosperity, happiness, and honor without a stain, never reached, even approached by any human community in the same space of time. May the sun that rose on that day never go down!

"Whilst the last members were signing, Doctor Franklin, looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him that painters had found it difficult to distinguish in their art a rising sun from a setting sun.

"'I have,' said he, 'often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the President, without being able to tell whether it was rising or setting. But now, at length, I have the happiness to know, that it is a rising and not a setting sun.'"

It is not our intention, as already mentioned, to enter at present into an examination of these manuscripts in detail, but having brought the public thus to the threshold of this great National Work, we will await the period of its publication for additional observations. The occasion seems a proper one to bring the life and character of their illustrious author more immediately before the public.

Mr. Madison has been so eminent in public consideration for the last half century that various accounts have been published of his life and character. It is therefore proper to premise that many of the following particulars are taken from another biographical sketch of him by the same hand, with some additional circumstances kindly contributed by others.

It is also proper to add, that no eulogium is attempted, nor little more than an abridged statement of the prominent transactions of a long life of public distinction.

James Madison was born on the fifth of March, 1751, (O. S.) at the dwelling of his maternal grandmother, opposite to Port Royal, a town on the south side of the Rappahannock, in Virginia. The house of his parents, James Madison and Nelly Conway, was in Orange county, where he always resided. It is remarkable for the beauty of the scenery and purity of the air; and likewise, that within a short distance of each other, in that region three Presidents of the United States, Jefferson, Madison, and Monroe, all resided, as closely connected in personal attachment, as in political faith, who have impressed on the country a large share of the policy and distinction of these United States.

After passing through the usual elementary education, Mr. Madison was placed, at about twelve years of age, under the tuition of Donald Robertson, a distinguished teacher in that neighborhood, with whom he accomplished the common preparatory studies for a

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collegiate course. These studies were further prosecuted under the Reverend Thomas Martin, the parish minister of the Established Church of England, who was engaged as private tutor in his father's family.

The climate of Williamsburgh being deemed uncongenial with persons from the mountain region, Mr. Madison, instead of being put at the College of William and Mary, was sent to that of Princeton, New Jersey, of which Dr. Witherspoon was then President, where he completed his college education, and received the degree of Bachelor of Arts in the autumn of 1771. While at college his health was impaired by over ardent study. It continued feeble during some years after his return home. We learn, from good authority, that for more than sixty years he suffered from organic bodily irregularity, which is mentioned only for the purpose of the encouraging reflection, how long, how cheerful, and how useful life may be with tolerable health, and much how enjoyment may be had notwithstanding bodily misfortunes which are a constant source of uneasiness. He laid deep the foundations of those attainments, habits and principles, which gradually but without fail raised him to after eminence. When he got home with impaired health, far from neglecting literary pursuits, he persevered in extensive and systematic reading, somewhat miscellaneous, but not without reference to the profession of law, although he formed no absolute determination to enter upon the practice. Mr. Madison studied probably just law enough, but his breeding was altogether that of a statesman; an American statesman, for he never was out of his own country; and though it has often truly been said that he would make a great Chief Justice of the United States, yet his studies and acquirements were free from all technical or professional restraint, and his seldom if ever equalled powers of reasoning were always exercised on a large scale, and with a philosophical comprehension of the subject matter. From nature, from habit, it may be even from the imperfect state of health to which he was reduced at the outset of his career, his was a passionless progress to elevation. He never addressed a passion or propitiated a prejudice: but relying on reason alone for conviction, he effected his purpose without any appeal to excitement. Taking nothing for granted by intuition or sympathy, he worked out every result like a problem to be proved. No one was ever more inflexibly attached to the principles of his adoption; but then he always adopted them on earnest consideration and sufficient authority, before he gave them his affections. They were not his natural offspring. His preceptor, Jefferson, a man of high *genius* surpassed him in enthusiasm and brilliancy of imagination, and was better versed in mathematical science, and that of languages. But Madison was a good linguist, a chaste, elegant and attractive writer; as a reasoner, superior to Jefferson, and perhaps of sounder

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judgment, certainly more circumspect. His conversational talents were uncommon, and his power of debate in public bodies, when he at length overcame the extreme diffidence by which he was at first much restrained, was of the first order. No man ever was more averse to controversy, detraction or invective; he never gave offence by personality.

Having received very early and strong impressions in favor of liberty, both civil and religious, he embarked with the prevalent zeal in the American cause at the beginning of the dispute with Great Britain; but his devotion to study and his impaired health, probably prevented his performing any military service. Devoted to freedom of conscience, he was particularly active in opposing the persecution of the Baptists, then a new sect in Virginia, who were consigned in some instances to jail for violating the law prohibiting preaching by dissenters from the established church. Throughout life he was remarkable for strict adherence to the American doctrine of absolute separation between civil and religious authority; and one of his vetoes, while President, attested that in advanced station and age the principles early imbibed on this subject were as dear to him as at first, when he was but a young and gratuitous reformer.

In the spring of 1776, when twenty-five years of age, he was initiated into the public service, from which he rarely afterwards was absent for forty years of constantly rising eminence, till it was all crowned by that spontaneous retirement from the highest station which is itself the crown of American republicanism. His first election was to the Legislature of Virginia, which, in May of that year, anticipated the declaration of independence by unanimously instructing the deputies of that State to propose it.

It is a proof of Mr. Madison's character that in this Assembly, being surrounded by experienced and distinguished members, he modestly refrained from any active part in its proceedings; and never tried that talent for debate which he afterwards displayed so eminently. Beyond committee duty and private suggestions he was unknown in the Assembly. At the succeeding county election he was superseded by another competitor. His failure was partly owing to his declining to treat the electors; but in no small degree to the diffidence which restrained him from giving fair play to his faculty of speech and active participation in public affairs.

But the Legislature, in the course of the ensuing session, repaired this popular defection by appointing him member of the Council of State, which place he held till 1779, when he was elected a delegate to the Congress of the Revolution. During the first part of his service in the council, Patrick Henry was Governor of the State; and during the latter part of it, Mr. Jefferson. Both these personages experienced and appreciated the importance of

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Mr. Madison's assistance, knowledge and judgment, in a station which did not put his natural modesty to the severe trial of public display. His information, patriotism, probity and unpretending worth, gained for him the first fruits of his maturing distinction. He proved himself a safe and serviceable man,—recommendations without which brilliancy is often troublesome, and always useless. Mr. Jefferson used to say that Mr. Madison rendered himself very acceptable to the members of the Legislature by his amiable deportment, and by the services he performed in drafting reports, bills, &c., for them. It was this that recommended him for election the next winter as a member of the Executive council, where his talents for writing and for business generally, particularly his acquaintance with the French language, of which Governor Henry was ignorant, and which was necesary to the Executive of Virginia, in their constant intercourse with French officers, soon made Mr. Madison the most efficient member of the council. He wrote so much for Governor Henry, that he was called the Governor's Secretary. The council, moreover, was the best adapted stage for his first essays as a public speaker; not consisting of more than ten persons, their discussions were less trying to a modest man. So extreme was Mr. Madison's diffidence, that it was Mr. Jefferson's opinion that if his first public appearance had taken place in such an assembly as the House of Representatives of the United States Mr. Madison would never have been able to overcome his aversion to display. But by practice first in the Executive Council of Virginia, and afterwards in the old Congress, which was likewise a small body, he was gradually habituated to speech-making in public, in which he became so powerful.

Elected to Congress, he took his seat in that body in March, 1780, and was continued there by re-elections till the expiration of the allowed term, computed from the ratification of the articles of confederation in 1781. From the spring of 1780 till the fall of 1783, the journals show, as is known to all, that he became an active and leading member of Congress, taking prominent part in many of the most important transactions. The letter of instructions to Mr. Jay, American minister in Spain, in October, 1780, maintaining the right of the United States to the Mississippi river, and the address of the States at the close of the war, urging the adoption of the plan providing for the debts due to the army, and the other public creditors, were composed by him, and are some of the earliest of his contributions to those American State papers, which, during the infancy of the United States, were among their most effectual means of conservation and advancement.

In the years 1784, '5, '6, he was elected a delegate by his county to the State legislature. During Mr. Madison's service in this capacity, it was his primary object to explain and inculcate the

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pressing necessity of a reform in the federal system, and to promote the means leading to such amelioration. The unsuccessful attempt to vest Congress with powers immediately required for the public wants, led to the meeting at Annapolis in August, 1786, to which Mr. Madison was deputed, and which resulted in a recommendation of the Convention with fuller powers at Philadelphia, in May, 1787. The State of Virginia promptly set the example of compliance with this recommendation, by an act drawn by Mr. Madison, and by the appointment of a deputation, in which he was included.

From 1784 to 1786 inclusive, beside what related to the federal system, several subjects of great importance were agitated in the Virginia legislature: paper money, British debts, the separation of Kentucky from Virginia, the code of laws revised by Jefferson, Wythe, and Pendleton, and the religious establishment proposed by Mr. Henry. Mr. Madison took a conspicuous and effective part in all these proceedings against paper emissions, in favor of paying British debts, in favor of the separation of Kentucky, in support generally of the revised code, and in opposition to a religious establishment. To the latter project he was strenuously and successfully an explicit antagonist; and he composed the memorial and remonstrance, which was so generally concurred in and signed by persons of all denominations, as to crush Mr. Henry's scheme.

The journal of the federal Convention which sat at Philadelphia in 1787, proves that he participated, as much as any member of that body, in framing the Constitution of the United States, which for now nearly fifty years has been the government of this country. For many years the survivor of all his associates in that illustrious assembly, Mr. Madison became entitled by various claims before his death to be called the Father of the Constitution.

During the same period, and until the expiration of the old Congress, to which he had been re-appointed in 1786, he continued a member of that body. His avowed object in returning there was to prevent, if possible, the project favored, by Congress, of shutting up the river Mississippi for a long period.

In the interval between the close of the Convention at Philadelphia for framing the Federal Constitution, and the meeting of the State Conventions to sanction it, the well-known work called the Federalist was written, which has since become a constitutional text-book. Gideon's edition authenticates Mr. Madison's contributions to it, and it is too well known to require that it should be dwelt upon.

Till his country was secured, and its welfare established by a proper form of national government, Mr. Madison was indefatigable in his efforts to explain and recommend the Constitution for adoption. Accordingly, in 1788, he was elected by his county a

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delegate to the Convention of Virginia, which was to determine whether that State would accede to it. His agency in the proceedings of that Convention appears in the printed account of them, and is too familiar with every person whose attention has been turned to the subject, to require explanation.

On the adoption of the Constitution, he was elected a representative to Congress from the district in which he lived, in February, 1789, and remained a member by reelections till March, 1797. His participation, during those eight years, in all the acts and deliberations of Congress was so prominent and pervading, that nothing of importance took place without his instrumentality; and in most of the leading measures his was a leading place, especially in all that concerned foreign relations. Addressing the house on all important questions, he never spoke without full preparation, and so completely exhausted every topic he discussed, that it was remarked by his adversaries that Mr. Madison's refutation of their views frequently suggested arguments which they themselves had not thought of, to be answered by him in the same triumphant strain of calm and respectful, but irresistible argument.

The resolutions of the Legislature of Virginia in 1798, against the alien and sedition laws, are now known to have been written by Mr. Madison, though not a member of that legislature. And it being understood that a vindication of those resolutions would be called for, he was elected a member the next year, and drew up the celebrated report containing their vindication, which, like the papers of the Federalist, has become a standard of constitutional doctrine.

Mr. Jefferson being chosen President of the United States in 1801, appointed Mr. Madison his Secretary of State, in which office he continued during the eight years of Jefferson's presidency, illustrating the whole period by his masterly writings and judicious participation. This is not the occasion for a full view of his performances in the Department of State; but it may be said, in a word, that of all the great disputes on international and municipal law evolved by an epoch that at last, after great difficulties and efforts to avert hostilities, closed with the war which it was Mr. Madison's destiny to conduct as Chief Magistrate,—the complicated questions of the conflicting rights of war and peace, colonial commerce, contraband trade, impressment of seamen, search and seizure of ships and cargoes, blockades, embargoes, non-importation and non-intercourse,—there was not one which Mr. Madison did not present to his country, and before the world, with a power of research and argument unsurpassed in the annals of diplomatic writing. In 1805, he visited Philadelphia for more convenient access to the best treatises on the subject of a pamphlet he published in 1806, on the British doctrine against the trade of neutrals with

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enemies' colonies. Throughout every succeeding year the country was enlightened by his elaborate productions, which every session of Congress brought forth. On the question of impressment, the most trying and perplexing of the grievances to which the United States were then subjected, his letters to the American ministers in England, and the British ministers in this country, were composed with a power equal to all we could desire, and in a temper which it was impossible for them to take offence at. It has been said of him, that give Mr. Madison the right side of a good cause, and no man could surpass him in its vindication. The Department of State at that time was the main stay of the country. Doubting the ability of the United States to contend in war with the great belligerents who were devastating the universe by land and sea; at all events, deeply interested in adhering to that neutrality which Washington established, and to which no one was more thoroughly attached than Mr. Madison; his exertions to substitute the moral artillery of international law for brute force were incessant and intense. Although the war he endeavoured so earnestly to prevent came at last, in spite of his exertions and Mr. Jefferson's immoveable determination to preserve peace; yet the legacy of trouble which was left by him to Mr. Madison, when he succeeded to the presidency, was at any rate preceded by a theory of prevailing, if not perpetual peace, in that code of international justice and fair intercourse which is now a goodly part of the inheritance of these United States, and a national property that all other civilized nations have begun to appreciate. Peace on earth and good will to all mankind, were always principles dear to him. War he considered only and rarely tolerable, as, if even a necessary, a great evil, to be avoided as long, and whenever it takes place to be closed as soon, as possible.

With these impressions it was nevertheless his lot to be President during the war declared against Great Britain in June, 1812. In 1809 he was elected President, on the retirement of Mr. Jefferson; and excepting the mere glimpse of accommodation which proceeded from Mr. Erskine's short-lived arrangement, the first period of his chief magistracy was but the prelude to the war that accompanied his reëlection. His inaugural addresses, annual messages, frequent special communications to Congress; his proclamation for a fact, with the particular grounds on which it was issued; his letters to Governor Snyder, of Pennsylvania, in the Olmstead case; his recommendation of war; his conduct of the war; his various missions for peace; the peace of Ghent negotiated under his auspices; his settlement of the army, navy, and the internal revenue at the close of the war; his veto, on one of the last days of his administration, of the great system of internal improvement introduced by some of those who have since relinquished it

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as unconstitutional;—these, together with the Bank of the U. S., may be deemed the principal measures of his administration of the Federal Government. Even before Mr. Madison's demise, there appeared to be well nigh one universal sentiment of cordial respect and deference towards him as a patriot of the purest intentions and wisest conduct. Undertaking the presidency at a crisis of the utmost difficulty, he continued in it by reelection during the established period of eight years, and when he retired, left the country in the highest degree glorious, prosperous, and content. Future ages must look back to his administration as a time of great trial and great renown. The Constitution which had succeeded in peace, under his governance, triumphed in war. While hostilities were checkered with the reverses which seldom fail to occur, under all circumstances Mr. Madison was the same. Victory never elated, nor could disasters ever depress him, beyond the happy mean of his temperate life; always calm, consistent, and conscientious, determined to do right, come what might. Exposed to that deluge of abuse which the leading men of free countries, with a licentious press, cannot avoid, he was perfectly serene and unmoved by any vindictive emotion; true to friends, patient with adversaries, and forbearing even with public enemies. All the emergencies of war never once betrayed him into infringements of the Constitution. It has been stated, on high authority, that while a candidate for the presidency, no one, however intimate, ever heard him mention the subject. Constitutionally simple and unostentatious in his habits, taste, and intercourse, he nevertheless maintained the dignity of his station with a decorum and urbanity that lent new grace to the duties of his office.

At about sixty-six years of age he retired from public life, and ever after resided on his estate in Virginia, except about two months while at Richmond as a member of the convention in 1829, to remould the constitution of that State. His farm, his books, his friends, and his correspondence, were the sources of his enjoyment and occupation, during the twenty years of his retirement. During most of that time his health, never robust, was as good as usual, and he partook with alacrity of the exercise and the conviviality in which he had always enjoyed himself. A good farmer on a large scale, he acted for some time as president of an agricultural society, and for a much longer time first as visiter, and after Mr. Jefferson's death as rector of the University of Virginia, at Charlottesville, in his near neighbourhood; among the founders and friends of which he bore a conspicuous part. Prevailed upon, when just convalescent from severe illness, to be a member of the Virginia convention of 1829, the infirm condition of his health, being then near eighty years old, prevented his taking a very active part in its deliberations. His main purpose, indeed, appears to

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have been to promote a compromise between parties so stiffly divided on local and personal interests as to threaten the tranquillity of the State. On some of the principal topics discussed, he is understood to have yielded his own opinions to that consideration, as well as the urgent instances of his constituents.

At eighty-five years of age, though much reduced by debility, his mind was bright, his memory retentive, and his conversation highly instructive and delightful. Suffering with disease, he never repined. Serene, sociable and animated, he loved to discuss the Constitution, to inculcate the public good, strictly abstaining from party topics, and to charge his friends with blessings for his country. He was long one of the most interesting shrines to which its votaries repaired: a relic of republican virtue which none could contemplate without reverence and edification.

One of his most striking characteristics was tenderness for the feelings, and deference for the opinion, of others; always anxious to avoid giving offence, though frequently so situated as to be obliged to adhere to his own convictions, and differ sometimes with his best friends. Towards his numerous dependents and domestics on extensive plantations, he was uniformly kind; and like most intelligent southern gentlemen, deplored the evils inherited from colonial dependence. He was actively alive to every feasible project for mitigating or removing these evils. The respectable gentleman who was his physician towards the latter part of his life, bears cordial testimony to the compassionate interest with which every member of his family, in common with their amiable and illustrious head, never failed to manifest for those who were by law his much regretted property. At periods towards the termination of his career, when conflicting sentiments on important questions agitated the country, and when urged by zealous and importunate friends to let his views be known, he was always disposed diffidently to decline interference; but every visiter of his hospitable mansion must have been struck with his patriotic devotion to his country, and with his veneration for that Union of which he was one of the original founders, and ever remained the enthusiastic and honest advocate. His attachment to the Constitution amounted almost to a passion, and, whenever the subject was at all relevant, he never failed to inculcate his views of its importance to the future developement and grandeur of America. One of his last acts, shortly before he died, was to reduce to writing the following patriotic aspiration, as it was communicated by his excellent widow.

"ADVICE TO MY COUNTRY.

"As this advice, if it ever see the light, will not do it till I am no more, it may be considered as issuing from the tomb, where truth alone can be respected, and the happiness of man consulted. It will be entitled, therefore, to whatever weight can be derived from good intentions, and from the experience of one who has served his

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country in various stations through a period of forty years, who espoused in his youth, and adhered through his life to the cause of its liberty, and who has borne a part in most of the great transactions which will constitute epochs of its destiny.

"The advice nearest to my heart and deepest in my convictions, is, that the Union of the States be cherished and perpetuated. Let the avowed enemy to it be regarded as a Pandora with her box opened, and the disguised one as the serpent creeping with deadly wiles into Paradise."

As a leading member of the convention which framed the government, of the Congresses which organized it, of the administration of Jefferson, which conducted it for a long time in the path it has since for the most part followed, and finally as the head of his own administration in the most trying time, when the exigencies of war were superadded to the occasions of peace, no individual has impressed more of his mind, either theoretically or practically, on American institutions, than James Madison.

Until within a short period of his decease, Mr. Madison continued to keep pace with the passing literature of the day. Most American writers were proud to lay their productions before him; and he was a subscriber to the best periodicals. He was consequently acquainted with every thing literary that was of interest, and devoted no small attention to science;—most attached, perhaps, to the practical pursuit of natural history, having accumulated numerous interesting facts from his own observation. A member of his family, of whom we ventured to request information of his religious sentiments—on which subject, though an excellent biblical scholar, and otherwise well informed, he was always remarkably silent—answered by the significant assurance that he was good and perfect in religion and domestic life, and that nothing short of true religion can make man so.

On the 28th June, 1836, he died—as serene, philosophical, and calm in the last moments of existence, as he had been in all the trying occasions of life. President Jackson announced the event to Congress in a communication calling on that body for such measures as were proper to testify their sense of the respect due to the memory of one whose life had contributed so essentially to the happiness and glory of his country, and the good of mankind. And ex-president Adams in his eloquent address to the House of Representatives, of which he was a member, dwelt on the merits of the venerable statesman, to whose memory appropriate honors were unanimously voted.

Congress soon after appropriated adequate means to publish the precious relique of his private Journal of the Debates of the Convention which formed the Constitution of the United States, and others of his papers. They also conferred the franking privilege on his widow; and the whole American people, grown under his auspices from a small to a great nation, with one accord pronounced the spontaneous and cordial obituary eulogium of the honored and venerated Madison.

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SONG.

THOUGH 'NEATH THE WINTER'S DREARY CHILL.

Though 'neath the winter's dreary chill
  Faded and fall'n lie leaf and flower,
The root, unblighted, liveth still,
  And bideth but its coming hour.

And when the first soft gale of spring
  Shall breathe upon that icy chain,
All life and joy, the flower shall fling
  New sweets and charms abroad again.

Then yield not thou to dark despair,
  My heart, 'neath fortune's bitterest frown,
Love's hope-fed flame yet gloweth there,
  And memory still is all thine own.

Though sad and slow the hour the while,
  Oh, doubt it not, 'twill bring again
For every tear a brighter smile,
  A dearer joy for every pain!

EPIGRAM.

From the Greek of Anacreon.

Αἱ Μῦσαι τὸν Ἔρωτα, κ. τ. λ.

The Muses roving forth one day,
Met little Cupid in the way:
They bound him fast with chains of flowers,
And locked him up in Beauty's bowers.
Then Venus sought, with ransom large,
To free her son, her darling charge:
But though some friend should grant her prayer,
Cupid would still continue there,—
He has so long in bondage lain,
The child has learned to like his chain.

East Hampton, L. I.

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GLANCES AT CONGRESS.—NO. II.

BY A REPORTER.

In resuming my "Glances at Congress," as the Twenty-fifth Congress with which they commenced is about expiring, it is impossible to avoid a passing reflection on the striking changes, evident at a 'glance' to one who knew the body at its commencement, and looked on it at its close.

Some whose faces were once familiar to me are no longer to be seen. Their places are filled with strangers. Some have retired from public service into the more quiet employments and enjoyments of domestic life. It is not without painful emotions that I recall to my memory the countenances of some, who, at the organization of this Congress, sat here, like their successors, with hearts swelling with hope and expectation, and responding to the sensibilities of friendship and conjugal and paternal affection, and to the aspirations of ambition, who now live only in the memory of their friends and countrymen. The agitation, the intrigues, the angry collisions, and the foul deed of violence which marked the last session, will pass in rapid review before the mind; but upon all these time has dropped the curtain, and I shall not uplift it.

I must dwell a moment on the new arrangements of the Hall—an edifice itself of the most impressive character, in an architectural point of view. The Speaker's chair, the Clerk's table, and the seats of the members are restored to the position in which they were prior to the alterations authorized by the House, in the first session of the twenty-second Congress. The chair is now placed where it was originally designed to be—in the centre of the base of the half circle, which is the form of the Hall; and where it is the focus of all the sound, from whatever part of the Hall it may come. The opposite arrangement, which has been abandoned, was unarchitectural, and destructive of the original plan of the Hall. The first alteration was an experiment in acoustics, which theory did not justify, and which upon trial proved abortive. The object of the change was to increase the facility of speaking and hearing, but its effect was to deform the room, without gaining any advantage in this respect. Under the present arrangement, every thing which is uttered in any part of the Hall may be heard at the chair, and whatever is said at the chair is audible throughout the Hall.

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It has been said—whether truly or not, I do not know—that the original design of the architect was to construct the Hall with a view to enable the members to address the House from the tribune, as in the French chamber of Deputies. If this was his object, it must be admitted that he succeeded in it most admirably. There is not a place, except the chair or Clerk's table, from which a member may be distinctly heard in all parts of the Hall. It is also difficult, even for veteran orators to speak in this Hall; to fill it with a volume of tone is impossible. The consequence is, that every speaker who is solicitous of being heard strains and breaks, and soon ruins his voice. The most successful speakers here have been those whose voices were shrill and fife-like, and destitute of deep and guttural tones. John Randolph and Philip P. Barbour, as I well remember, had voices so admirably adapted to the Hall that they could speak in it, and be entirely audible in every part, without any seeming effort. John Randolph, in his very lowest tones of passion and feeling, was distinctly heard in every recess of the House. This, to be sure, may be partly attributable to the silence and attention which he always commanded, but more to the peculiarity of his voice. Before dismissing the Hall, however, and its arrangements, I must be indulged in a passing protest against the vile taste in upholstery which still seems to have the ascendent about the Speaker's chair. The vulgar and gingerbread finery of the former plan has only given place to a tower of merino tasselled and fringed, more, much more obnoxious and offensive, inasmuch as to procure the room for this tasteless display, the unpardonable liberty has been taken of greatly abridging the limited space of the ladies' gallery, shutting out the public from a most advantageous position to see the House, and adding vastly and most unjustifiably to the discomfort and inconvenience of the place. We hope the Speaker or the new Clerk will deem it worth their while for the future to prevent these fantastic yet expensive tricks of upholstery run mad.

Mentioning the Speaker's chair, I cannot avoid the expression of my regret that its distinguished occupant is so soon voluntarily to retire from a position which he has made illustrious as it was arduous, it being well known that this is the last year of Mr. Polk's long and favorable term of service in the House.

The Democratic Review has already given a fine sketch of the Speaker's life, but I may notwithstanding be permitted to add the remarks that fall within my own peculiar range of observation. I have never seen a man preside over a popular legislative body with more dignity and effect than Mr. Polk. In person he is rather below the middle size, and has a firm and upright carriage which gives great self-possession and command to his manner. His head is finely formed, with a broad and ample forehead, and features in-

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dicative of a character at once urbane and decided. He is scrupulous in his dress and always appears in the chair as if he were at a dinner party. His quickness of eye and ear in presiding over the House, his untiring attention, which never flags for a moment, seem to give his presence a species of ubiquity. His manner towards a member when speaking is that of an earnest listener, and so completely is he master of this art of necessary politeness, that even when he is signing bills, or doing some other indispensable duty, it would not be apparent that he had in the least withdrawn his attention. His knowledge of the rules of the House is more extensive and minute than that of any member of the body, and this doubtless is one cause of his admirable success in conducting its business. Mr. Polk must have worked hard to acquire this, but its possession has been proved on so many occasions that it is no longer disputed. In stating a decision, or settling a point of order, his manner and tone are at once fluent and collected, as if speaking from an entire consciousness of right, and intimate knowledge of his position. The soundness of his judgment has been confirmed in repeated appeals which disconcerted partizans have made from his decisions. Every party now willingly unites in testifying to the rare ability and success with which he has filled this most difficult and unenviable position.

Who will be his successor, I cannot foretell; but this is certain, that it will be easier to find a successor to his place, than to *fill* his place. By his prompt and firm interposition of the authority of the chair, he has guided the House through many storms and agitations; and often have I seen shallow impertinence and brazen impudence abashed by his collected and dignified rebuke.

Immediately below the Speaker, at the centre of the semicircular table or tribune which fronts the Hall, the figure of a young man with spectacles, oval countenance, and hair brushed aside from his forehead, will attract the attention. It is Hugh A. Garland, of Virginia, the new Clerk of the House, whose election at the commencement of the present Session over Mr. St. Clair Clarke, an opponent so influential and so popular that he was believed to be invincible, was a source of much congratulation to the administration party, and of surprise as well as mortification to the opposition. Though scarcely over thirty, Mr. Garland has brought to his present position a high political reputation, the more honorable as it was achieved in a State prolific of public talent, and where the science of politics is more generally cultivated and understood than in any other part of the Union. His career in the Legislature of Virginia was brilliant and successful. He was prominent among those who, in that highly respectable and leading assembly, took ground in support of the late President Jackson, upon the great financial questions which were agitated during his administration.

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In regard to the vital question, now the test of political faith before the people of this country—I mean the separation of the Government from Banks—he was emphatically a pioneer of those doctrines which the Democratic party has espoused and will sustain. With a quick genius, he combines the habit of labor; and to entire purity of character, uniform courtesy of manner, and an amiable temper, he adds that firmness of purpose which is indispensable to political success, and which makes friends or creates respect, even where it disappoints. It has already carried him through difficulties that might have vanquished sterner spirits. Though thus decided in his personal opinions, Mr. Garland, as an officer, has won general esteem on both sides of the House, from the sincere impartiality with which he executes the duties of a situation which necessarily brings him into relations with every member. His manner of reading is scholar-like and effective. His voice is so well regulated, and his pronunciation so distinct, that it is evident he has cultivated reading as a polite art. In person, he is tall and slender. His complexion is pale, and he has that slight and peculiar stoop of the shoulders which designates so frequently studious men.

It is the general belief, even among his own party friends, that Mr. Garland could not have been elected but for the successful introduction of the *viva-voce* system of voting, by one of those consummate applications of parliamentary tactics, so rarely possible, when brought to bear on a system so intricately complex as the standing rules and orders of the House of Representatives.

A little to the left of the Speaker, at one of the central desks, we may see General Dromgoole, of Virginia, who effected this important result. One would scarcely believe him, from his appearance, to be thus versed in a skill only deemed acquirable by long and minute acquaintance with Congressional usages. He is a well-built, middle-aged man, though on the young side of the prime of life. Being of a florid complexion, and being exceedingly near-sighted, from which has proceeded a habit of peering as it were through his spectacles, his general appearance would not, perhaps, give a casual observer an impression of the powerful intellect and extensive information he possesses.

General Dromgoole has effected a great political good, by introducing and carrying through, in the highest representative body in the Union, this important precedent of the *viva-voce* system of voting in elections of officers of the House. He brought forward the measure under discouraging circumstances, but his tact and address supplied the lack of other advantages, and his eloquent vindication of that mode of voting secured success to his motion. I have heard it said by experienced members, that no one member could have carried through that important and interesting innovation except General Dromgoole. Upon this measure alone,

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which may be said to *republicanize* the elections of the House, any member might be content to rest the fame of his Congressional career. But General D. has, on other occasions, evinced a remarkable degree of parliamentary address, and has always exerted it for the protection and advantage of the House, and not for mere ostentation. Once or twice he has, by a prompt movement, brought the House out of great difficulty, as I have heard a prominent opposition member declare.

General Dromgoole speaks but seldom—and I am sorry for it, —for no man is more capable of enlightening and gratifying his hearers and the country. Well do I recollect his speech on the Independent Treasury Bill. It took many by surprise, who dreamt not of the power that slumbered in this modest and retiring member. The speech was a model of parliamentary eloquence; fluent and harmonious in diction, lucid in arrangement, and so powerful in argument, that it would answer as well now, as when it was spoken, to produce conviction. The effort brought upon its author as much censure as praise, from his political friends,—for they blamed him for not coming out before.

General Dromgoole came into Congress with a high reputation. He was elected to the General Assembly of Virginia in April, 1823, and has remained in public life ever since. He served three years only in the House of Delegates, when he was elected to the Senate, in which body he served nine years, with such distinction that during the three last he was Speaker of the body.

No member of Congress has been more thoroughly consistent in his principles than General Dromgoole. In the first session of his service in the Legislature of Virginia, he opposed the re-charter of the Farmers' Bank of Virginia; and then, with other young friends, of whom J. Y. Mason—who in the recent interesting contest for United States Senator received the honorable tribute of the unanimous support of the Democratic party for the office—was one, denounced the general tendency of the banking system as it then existed, and in a series of able arguments demonstrated the inconsistency of the privileges and monopolies secured by their charters, with Democratic principles and free and equal rights. Before he left the House of Delegates, Congress had passed the law for appropriations for making surveys preparatory to a general system of internal improvement, and had also increased the Tariff for the avowed purpose of fostering and encouraging domestic manufactures; against which measures he took a decided stand, maintaining then, as he ever has done since, that they were both violations of the Constitution, and he anxiously desired that the General Assembly should at once take ground against the dangerous heresies of the miscalled American System, and re-assert the ancient doctrines of Virginia Republicanism. So conspicuous were the

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talents that Mr. Dromgoole exhibited in discussing these high constitutional questions, that some of the oldest members in the House, especially John Roane and Randolph Harrison, urged the gifted young member to take the lead in bringing back Virginia to the principles of Taylor's Resolutions and Madison's Report, and willingly, with their whole party, enlisted themselves under his able guidance for the purpose. The result is of record, a brilliant triumph of Republican principles, and a full committal of Virginia against the American system.

During his service in the Senate, he served on and at the head of several of the most important committees, and frequently distinguished himself as a debater of signal power—in particular, in opposing the bill to take the sense of the people on the subject of calling a Convention, which he denounced as virtually denying the sufficiency of the Representative system to embody the public will. His speech on this occasion was called a master-piece of constitutional and popular argument, and, in particular, was so much admired by John Randolph, whose fastidiousness as a critic is well known, that he pronounced it the ablest speech that had been delivered during the winter, either at Richmond or Washington. The bill, however, passed; and notwithstanding his opposition to it, Mr. D. was elected one of the members of the Convention from his Senatorial district; and again, after the new Constitution had gone into operation, which General Dromgoole had materially assisted by his speeches and exertions, he was elected a Senator under it without opposition, and in a different arrangement of the districts. In the new Senate his course was highly distinguished. When the nullification of South Carolina, and the proclamation of President Jackson, brought before the General Assembly the question of Federal Relations, Mr. Dromgoole dissented from both; and on the removal of deposites, he took a conspicuous part in the animated debate which that measure produced. It was on this occasion that the instructions were passed which caused Mr. Rives to retire from the Senate. Mr. Dromgoole defended the removal of the deposites, and opposed the instructions in an elaborate speech, which was much admired.

In 1835 he was elected to Congress, succeeding by a handsome majority over his successful competitor at the previous election. In 1837 he was re-elected without opposition. Of the position he has attained in the House, I have already mentioned sufficient instances. It is indeed generally believed that if General Dromgoole does not achieve the foremost place of the body—and a position of high political usefulness—it will be the fault only of himself.

But here is another Virginian, on the opposite side of the Chair, and as near to it as he can get, without getting into it. A proximity which may induce him, for aught I know, when it becomes vacant

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to try and jump into it. I speak of Mr. James Garland, whom every body knows as the leading *Conservative* in the House.

His dress, you will observe, is very plain, and he wears his hair something in the manner of the Methodist clergymen of the old school, brushed back from his forehead, but his black frock coat, stout walking stick, and heavy comfortable boots, would rather give you the idea that he was that fine character, the Virginia country gentleman, half farmer, half lawyer, whose honest heart is in his face, and whom you have an irresistible inclination to take by the hand. In person, Mr. G. is tall and erect, strongly and rather heavily built, and his general appearance is prepossessing. His features are bold and prominent, and strongly characteristic both of benevolence and of decision. I like to hear him speak, and, as he speaks frequently, I am often gratified in that way. There is an earnestness in his manner which gives an assurance of sincerity. He speaks to the judgment, and seeks to convey conviction to the minds of those whom he addresses. Towards political opponents he is courteous and liberal, and instead of assailing them with denunciation, he seeks to convince them that they are wrong. He is not one of the tomahawk and scalping-knife Conservatives—for there are some such—particularly Mr. Clark of New York, who in political controversy is as savage and as wild as if he were a lineal descendant of one of the Mohawks in whose country he lives, and to whom he, in fact, bears a strong and peculiar resemblance. We should not be surprised if the member from Chenango should turn out to be two-thirds Indian, and to have blood in his veins that erst assisted at many a massacre.

Mr. Garland does not consider his political adversaries as foes, and he wages upon them no relentless and exterminating warfare. He has had occasion, in pursuance of what he no doubt deemed to be his duty, to differ, in some points, from the Administration, but he has never hesitated to award to the President ample credit for integrity, sincerity, and patriotism; and I am quite certain that he is disinterested and honest in his course. Major Garland is essentially a self-made man. He was born on the sixth day of June, 1793, in Albemarle county, State of Virginia, and up to early manhood he was employed on his father's farm in Amherst county, in the same State; having only received, in the ordinary schools of the country, the elementary branches of an English education, and read a few Latin authors. His father having a large family, and his circumstances being too moderate to afford him a collegiate education, in his nineteenth year he turned his face to the world to seek his fortune by his own industry and energy, without a cent in his pocket. He repaired to the county of Nelson, where he now resides, and entered into the service of a relative, then and still Clerk of the County Court, for no other compensation than board, and

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there he studied law with such assiduity, in addition to his services as assistant clerk, that in the fall of 1812, he obtained license to practice law. Shortly after he commenced the practice of his profession, in the year 1813, he was drafted into the military service of the United States, during the war, and performed a tour of six months sevice in a company of volunteer artillery. He was a great favorite with the officers and members of his company, on account of the fidelity with which he discharged his duty, and was appointed to fill every vacancy that occurred, until he was appointed Captain, and subsequently Major. He was regarded as an excellent officer. In the fall of 1813, he resumed his practice, and from the energy and industry with which he pursued it, soon became eminent, and acquired an extensive and lucrative practice. Indeed he became so prominent in his profession, that he ranked among the most distinguished lawyers in the State. In the Supreme Courts of Chancery and several times in the County Courts he argued many very important cases, with considerable success and with great approbation, coming in contact with some of its ablest men.

Mr. Garland's political career has been short. He was first elected a member of the Legislature of his native State, in 1829, and continued in it until 1831. He was a member of the first Legislature under the new Constitution, where he was distinguished for his industry, attention and devotion to the public interest. In that session his ardent devotion to, and labor in support of the internal improvements of the State, aided much in giving that impulse to it which is now rapidly extending with such promise of a happy success. In 1831 he declined a re-election, to the general regret of all the people of the county.

In 1835, amidst the panic session, growing out of the removal of the deposites, when the administration of General Jackson seemed tottering to its fall, he became a candidate for Congress, in the Albemarle District, in opposition to a very popular gentleman, and took a decided stand in favor of that Administration. He was successful by a handsome majority, a success achieved under the most unpromising and untoward circumstances, and against the strongest influence of family, wealth and talents. In 1837 he was re-elected without opposition, having given general satisfaction to his constitents by the fidelity and ability with which he discharged his duties. He entered Congress a decided advocate of the State Bank System.

Mr. Garland has of late acquired much notoriety—we can hardly say distinction—as one of the leading Conservatives in the House of Representatives. That is a party towards which the Democratic Review will scarcely be suspected of leaning with any peculiar degree of favor, whether with a view to yielding to their opinions the slightest concession of the great principles involved in the leading measure of the Administration which they oppose, or to

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softening their hostility by any unworthy attempts at personal propitiation. Genuine Democracy can have very little respect for the motives and influences which appear to have actuated the vast majority of that party in its secession from the Democratic party, and it would be worse than labor lost to attempt to bring them back. It will be much easier—and every day's experience is so proving it—to gain over to the principles and policy of the Administration thrice their number, from the sound and liberal portion of the Whig party itself. Let them go in peace. Let every man be free to obey the natural inclination of his opinions in the selection of his political course and party associations. The Democratic party is itself, and has always been, the object of too incessant and furious a persecution of abuse, from a Press of which three-fourths has always been under the control of their opponents, to incline a man of candid opinions to follow such an example, in the maintenance of its cause and the advocacy of its principles. Let the Conservatives, then,—all of them that shall still choose to follow the guidance of their principal leaders—go in peace; and, embittered as are usually the relations between former associates on such a separation, let us not deny them the same courtesy we claim for ourselves, of a liberal presumption of sincerity of opinions and honesty of motives. Every sincere Democrat must be glad of the secession, and will regard it as a much needed purification of the Democratic party itself,—but this not with reference to the personal characters of the men, but to the essential character and tendency of their principles. I certainly know more than one individual among their number, for whom no collisions of political opinion and action could ever diminish that sincere personal respect and regard, which I should be very slow to extend to many of the most zealous and loud of the supporters of our own doctrines and measures.

Mr. Garland in particular has peculiar claims to an indulgent consideration of his position, and to a liberal construction of his motives. His democracy except on the single yet vital question of the separation of Bank and State, cannot, I believe, and never has been impeached. Though his conduct on the divorce question, and his associates for the last two years have sundered him widely from the great democratic party, yet it should be remembered that he acts on this very question under a potency of instructions not less strong than those which compelled Mr. Buchanan to vote under a protest, against the Sub-treasury bill. He was first run by the friends of General Jackson as a friend of the State Bank System and in opposition to General Gordon's scheme of a Sub-treasury, which had been insidiously introduced the previous session of Congress, when the former plan was in the full tide of an apparently successful experiment under the auspices of the Administration.

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He was successful over his competitor, and thus came to Congress, as it were, pledged against a plan which a prodigious change of circumstances soon after rendered the cardinal policy of his own party. Mr. Garland's great party error was that he did not meet the crisis. He did not rightly understand it. The disgraceful explosion of the whole Banking System did not alter his confidence in it, and instead of calmly profiting with his party by the experience of the crisis, and seeking with them to repair it by a firm and resolute return to the true and simple principles of the Constitution, he turned aside in the vain hope of reconstructing the shattered edifice at his feet. The heat of party contest, or the soreness of exasperated feeling may have led him into more decided opposition to his old party than he at first intended, but I do not think him, like most others of the new sect, totally lost to democracy. I am very certain, that he can neither be led or driven either into Whiggery, or National Bankism, and I am not without my hopes of soon seeing him return in good faith to the bosom of the great party with which he has been identified so long. He feels ill at ease in his new sphere, and as the unholy alliance between Conservatism and Whiggery becomes more and more apparent, James M. Garland,—or I am greatly mistaken,—will abjure it. He has as little sympathy with the evils of the Banking System, or wish to perpetuate its faults as the most unwavering democrat, and I for one, do not despair of a candid and honorable return by him to action with his friends.

I have been making very free with Major Garland's name and the pages of the Democratic Review, but I know your political candor and consideration of opponents, and as to the rest my speculations may go for what they are worth.

As my pen seems to run upon Virginians, I cannot omit a gentleman, whose seniority at all events is entitled to precedence, and turn with my friendly reader to the old gentleman in the seat on the right of the centre aisle, and near the inner circle. Time has scattered memorials of experience and of care on his temples, but his complexion is still fresh, and his eye still lights up with the fire of youth. He is a favorite with all parties in the House, and, I believe, the oldest man, and the oldest member in Congress. It is Mr. John Taliaferro, pronounced *Tollever*. He is near seventy years of age, and has been a member of the House, at different times, since the memorable year of 1801, when he was brought into Congress upon the overwhelming tide of Jeffersonian democracy, from a district that had been thoroughly and exclusively Federal. His competitor was the late Colonel John Tayloe, of Mount Airy, a Hamilton and Pickering federalist, and the contest was, according to tradition, one of principle, and very severe. Before that early period, Mr. Taliaferro was a leading member of the Virginia Assembly. For many years, he was the champion of Democratic

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Republicanism, in his district; sometimes succeeded, and was sometimes beaten, and, for years in succession, agitated the House with contested elections between him and his federal competitor, General Hungerford. He was a member of the House at the trying crisis, preceding and during the late war with Great Britain, and enjoyed, in an eminent degree, the confidence and intimate friendship of Jefferson, Madison, and Monroe, and was always considered a practical and unwavering republican of the school founded by these our "*patres conscripti.*" After the accession of Mr. Adams, however, a change came over the spirit of his politics, and he became "absorbed" in the "National Republican," or what is now called the "Whig" party, in which he has since continued. Mr. Taliaferro has always been an industrious, and more than that, a working member. He has seldom mingled in general debate, but has found other ways quite as potent for influencing votes. As a speaker, however, he held in former days no mean rank. He presented his views with a clearness and precision of language, and an aptitude of illustration, that commanded attention, and won conviction. At the hustings, I have been told, he was all-powerful, by means of his suavity and plausibility of manner, and his adroitness in the management of his topics.

Mr. Taliaferro is now known as one of the most agreeable and pleasant men in Congress, and, at the same time, as one of the most useful and industrious members. He is cheerful and full of anecdote, and when you see him offer his snuff-box to a passer by, and give a preliminary flash from his small grey eye, you may rely upon it that something exceedingly facetious and pleasant is forthcoming.

In person, Mr. T. is a little below the common height, and his figure is trim and well built. His style of dress is plain and neat, and his manner is that of an accomplished gentleman and courtier of the old school. Mr. T., I believe, never followed any profession, except the noble one of agriculture; and it is said that, as an agriculturist, he was unequalled by any man in Virginia, except perhaps, the "Arator," Col. John Taylor, of Caroline.

But a white-haired and florid-looking elderly gentleman, is addressing the Chair, and you can observe that his manner excites general attention mingled with some anxiety in many a member full of the unuttered speech that is peeping out of his pocket, or laboring in his breast. He is Samuel Cushman, from Portsmouth, Rockingham county, New Hampshire, and well known to the country by the party soubriquet of P. Q. Cushman, which the letter-writers have affixed to his name from the unrelenting frequency with which he is apt to cut short a debate big with the fate of tropes and figures and political rhetoric, by the infallible edge of the Previous Question. He was born in the State of Maine, while it was

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a District of Massachusetts. By profession, he is a lawyer; by nature and choice a politician. He is a veteran in politics, a martinet in party discipline. No man was ever more true to his party, for, espousing a cause with sincerity, he supports it with unbounded zeal. He has been frequently called to fill posts of trust and honor in the State which he now represents in Congress. He has been elected, if I mistake not, to both branches of Legislature, and has also served as County Attorney, and Attorney General, situations which required talents, and demanded integrity and honor. But, to serve in Congress, is to be transferred from a provincial theatre to the Metropolitan boards. Here, far higher attributes, more exalted talents, are required to arouse applause, or even to escape the sneers of the "groundlings," and the galleries. The honorable gentleman does not aspire, I believe, to fill the highest parts, either in comedy or tragedy, but he has always appeared in a very respectable line of characters. Sometimes he has been damned with faint applause, and has very often been subjected to the ridicule and misrepresentation of those bigoted partisans who can see no merit in a political opponent. It has been gravely charged upon him that he moves the Previous Question. Truly, he does, and for that very service, if he had never done any thing else, he deserves a monument as a public benefactor. One man who can arrest a tedious, long-winded, factious, time-killing debate, is worth forty who can provoke or keep up one. It requires some moral courage, some spirit, and some tact also to move the Previous Question, and to move it, too, at precisely the right point of time. This gentleman is a good tactician, and he knows the proper moment when to draw off the skirmishers and sound the charge. With the practical duties of legislation he is well acquainted, and his business knowledge and habits render him an efficient member of the Committee of Commerce, and other very important Committees on which he has served. He is very frequently forced into debate, either in defence of the principles of his party, or of some of his personal or political friends, in the Administration, who have been made the subject of wanton and malicious attack, and this duty he always does with urbanity and good temper.

As regards his character in private life, he is amiable and blameless. His character here is unblemished. His manners are easy and bland; his deportment courteous to all; his temper mild and equable, and his disposition kind and obliging. His age is, apparently, about sixty; his eyes dark, small, and piercing; person of the middle size, rather spare, and very erect; his motions quick; step elastic; and dress fashionable. A very useful and good man is this same much abused Samuel Cushman.

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WESTERN VIRGINIA.

A SKETCH, IN RUSTIC RHYMES, TAKEN FROM HAMPSHIRE COUNTY, VA.

"Princes and lords may flourish or may fade,
A breath can make them as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied."
GOLDSMITH'S "DESERTED VILLAGE."

Hail! hunting-shirt—hail! mountaineer!
Right harbingers of winter cheer;
No studied invocation here
Your aspect blithe invites:
Above, below,
The trackless snow
Throws back a thousand-tinted glow,
Where glancing sunbeam lights.

From leafless oak and hickory bare
Half-famished twitterers repair,
With squirrel pert and limping hare,
To pick their morsel scant:
Up, then, thou gallant mountaineer,
Up! tamer of the bounding deer;
Thy steady eye and practised ear
Are Hampshire's woodland vaunt.

No dread of avalanche to crush;
No lure of glacier bright; no rush
Of sliding hill o'er hidden gush
Of waters,—sad decoy!
Thy march is on the rock-based steep,
Secure, where tallest tree-tops peep,
Onward, till ev'ning shadows creep,
Then home without annoy.

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But hark! the constant ring
  Of axe-work good;
Far-flashing edges swing,
And a splint'ring tempest fling;—
    Brief space, I ween,
    First gash between
    And last, that levels king or queen
  Of ancient mountain wood.

Dost note the cabin by yon silent dell?
There patience, hope, and meekest misery dwell.
  Hingeless the rude misshapen door;
  Rifted the wall,—chill strikes the floor,
  Of shattered shingles goodly store;
    And she—the widow'd dame!
Daughter of wo, thy wish is won—
This morn betimes thy task is done;
Tearless to-night thy setting sun;
    Mercy awards thy claim.

A youthful band, brave hearts and true,
With sleigh-borne flight and glad halloo,
  From village sport have parted;
Samaritans in word and deed,
To the lone dweller's hut they speed,
    To pour the balm,
    Want's terror calm,
  And heal the broken-hearted.

Genius of Freedom, hail! thrice hail!
Thy fav'rite haunt is hill or vale,
Fair upland slope and lowland dale;
  Thy throne yon "Hanging Rock,"
Theme of old legends strange, that tell
How red men raised their battle yell,
And furious fought, and fearless fell,
  Join'd in the battle shock.

And when the mortal strife was spent,
The conquering savage calmly bent
  A-down the craggy front,

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And traced above the towering pine,
Emblems of household thrift,* a sign
That war-chief, of now nameless line,
Held steady march
O'er that high arch,
And stemmed the foeman's brunt.

But winter's snow-wreathed chain is broken!
Spring renovates her leafy token,
And fleet the rush
Of freshet flush,
While stream and rill,
From cliff and hill,
Foaming and swelling as they sweep along
And raising still to heav'n their joyous song.

Wakes now the planter's annual toil,
To launch the boat, to break the soil,
Subduing glebe and tide;
Cast on the waters, where ye may,
Your bread, and after many a day,
In ten or hundred-fold array,
Your labor shall abide.

Seed time and harvest shall not fail;
Then cheerily outspread thy sail,
And steer before the wind:
The bow of promise smiles above,
The olive-branch protects the dove,
And steadfast thy reward shall prove,
But never look behind.

And you, hale sons of vigorous sires,
Kindle anew their patriarch fires;
Let men of ripened years

* "Emblems of household thrift,"—a spoon and spinning-wheel, which are still quite distinct to the observation of any adventurous searcher after the marvellous; and a sight of them will well repay the risk of a broken neck. The "Hanging Rock" in question,—as Western Virginia, generally, and Hampshire county, particularly, abound in that specimen of the picturesque,—is the one nearly facing Blue's Ferry, South Branch of the Potomac, commonly styled "Earsom's Hanging Rock."

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Enjoy serene the well-earned meed
To early diligence decreed ;—
No race degenerate should succeed
  The forest pioneers.

Who led, who followed, one by one,
Home to eternal rest pass on,
  Each field a monument,
How deep they furrowed, wide they cleared,
What cattle tended, offspring reared,
Laws human framed, divine revered,—
  So was the blessing sent.

Such the life-stirring, genial ways
O' the staunch old sylvan tribe, in days
  Of peace with plenty crown'd ;
The hunter's song, for war-whoop wild,
The wilderness a garden smiled—
Each stubborn task anon beguiled,
  With rifle, horse, and hound.

Gaily the circling Seasons run,
From sugar-camp till autumn's sun,
  'Mid varying works and quick ;
And now and then a wedding treat,
In fair, with every frolic meet,
Husking, or quilting,—tranquil feat !
  Or watch of nightly lick.

Thus hand in hand go care and mirth,
Like grateful incense from the earth
  Their blended offerings rise ;
And when Virginian bosom warms
At manly worth in arts and arms,
At matron grace or maiden charms,—
  'Tis Hampshire's honest prize.

GEORGE PADDISON.

September, 1838.

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VINCENZIO THE VENETIAN.

(*Concluded from page* 187.)

Chapter III.

Before reaching his thirtieth year, man desires to grow old, but that age once attained, he would stay the march of time. An attentive observer would have remarked that nothing was wanting to Vincenzio but the power of suspending the progress of the years, for every thing else was possible to him.

At the period of our story the nobles of Venice devoted themselves to commerce, and the world was tributary to them. Vincenzio held the first rank among these princely merchants. His coffers overflowed with gold, his warehouses were piled with rich fabrics, while the sea was covered with his ships. His library, his jewels, his antiques, and his paintings, were esteemed unique of their kind. He was thirty-five and had not yet married,—though why should he entangle himself in the fetters of marriage when the most famous beauties of Italy regarded it as an honor to behold him at their feet? Rich in health and happiness, what could he desire? If he played, fortune abandoned his antagonists, and their gold seemed to fall of its own accord into his coffers.

It must not, however, be supposed that he sank into the arms of luxury and inaction. Throughout the wars that Venice maintained with the Ottomans, no knight had fought more valiantly for the cross against the crescent.

The passions of our hero, who had now attained the age of maturity, had always the impetuosity of a volcano; but he knew how, at will, to arrest their eruption. Ambition opened before him a new and boundless career. He was soon appointed a member of the Council of the Five; and next, shortly after, he was even elected to the dignity of Doge. But having never been able to endure marriage, he declined even the honor of an union with the State, whatever taste he might have for its daughters.

It was a subject of great astonishment to all the world, the perseverance of Vincenzio in cultivating Chess. His emissaries traversed all the countries of the globe to find players worthy of contending with him. In his spacious palace there was a gallery which bore the name of the Hall of Chess, and which was consecrated exclusively to that game. There were to be seen a hundred tables of marble around which sat and played the first players of the world. His gates were open to the most skilful, but never

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could Vincenzio find his master, none of these players having, like him, so great an interest in penetrating all the depths of the game. The skill of our Venetian was beyond all conception. He knew openings and stratagems of which we have now not the slightest idea. Devoted without relaxation to his favorite study, and endowed with an indefatigable patience, he appeared to have exhausted the science of the chess-board; and what was still more surprising was that he could never weary of it; but no one could guess the motives of so devoted a perseverance. Alas, the hour was again at hand of the second visit of Astaroth!

"I have initiated myself in all the secrets of the game," said Vincenzio with a sigh, on a beautiful summer's night when, in his gondola, he was cleaving the blue waves of the Adriatic. "But human science cannot struggle against a superhuman intelligence!" and he again sighed deeply. Was it repentance that impelled those sighs? No—they had their source in the bitter regret of his impotence.

"Astaroth has certainly," said Vincenzio, "honorably fulfilled all his engagements. My slightest desire is anticipated, and along every path I meet with no greater difficulties than just suffice to give some interest to success. What advantage then can he derive from this contract? Did not my mode of life place me under his sway before as well as after this accursed compact? Doubtless—but the mercy of the Saviour is infinite; perhaps it may yet deign to redeem me!—inexplicable mystery! Should I quit Venice, would Astaroth follow me? Certainly, and it is now too late to dream of flight—my lot is cast! Is it not already sufficiently evident that nothing is impossible to him, and that he has the power of transporting himself wherever he pleases! Nothing, then, remains but to prepare, with the courage of despair, for our approaching interview!"

"To-morrow I will be with you!" murmured a voice in Vincenzio's ear; and those acccents, too well known, pierced his heart like the cold steel of a dagger. Vincenzio shuddered as he rose, as if he had experienced the convulsion of an electric shock; but he was alone in his gondola on the deep blue waters.

On the morrow Astaroth was faithful to the appointment. During the twenty years that had elapsed no change was apparent in his person; not a single wrinkle furrowed his brow, his eye had lost none of its brilliancy, nor was his vigor in the least degree diminished. The same sardonic smile played over his pale lips.

As for Vincenzio, the Senator, he was then forty years of age. His features were entirely developed, and a few gray hairs only began to whiten over his brow. But, incomprehensible madness of a mortal! Vincenzio saluted the demon with the same boldness

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which Astaroth assumed himself; he would have blushed to acknowledge his inferiority.

"I am curious to see your Hall of Chess," said Astaroth, "unless it is disagreeable to you to play before so large an assembly." For sole reply, Vincenzio bowed politely, and led the way. "It shall never be said," were his thoughts, "that demon or angel could intimidate the powerful Vincenzio. That is a triumph that I will yield to none, were hell itself to yawn at my feet!"

On their entrance into the gallery a crowd of curious witnesses surrounded them; and as they seated themselves at a table, the most skilful players present, by a natural impulse of curiosity, abandoned their own games to watch their play. They felt a presentiment that Vincenzio had met his match.

"Is there any of these gentlemen that knows how to play?" asked Astaroth with an ironical air.

"Silence! I entreat you," answered Vincenzio, who dreaded every thing that might betray his secret. Alas! how often is it not seen that the fear of detection is stronger than the fear of crime!

"The move is yours, my lord," said Astaroth. "No," replied Vincenzio, "all shall be equal; let us draw!"

Chance decided in favor of the demon, and the struggle commenced. The spectators drew closer, and there were several that offered to bet that Vincenzio would win; but no one would accept.

As the game advanced, strange! an indefinable uneasiness penetrated gradually into the spirits of the spectators. Every look was fixed on Astaroth, as by a species of fascination; they felt ill at ease, and each in his heart wished the stranger at the devil, without daring to express it aloud.

Vincenzio, however, talked and smiled, as in defiance of fate, while Astaroth laughed and chatted with every body.

"The devil take the puppy's impudence," whispered the young Alonzo di Ortégano to his friend Lucentio di Razzoli. "I should be delighted to send him to take a walk in the bottom of the canal! Who can he be?"

"Satan himself, I imagine!" was the prompt answer of Lucentio.

A number of moves were played. Vincenzio did his best; but, at the bottom of his heart, he was profoundly convinced that he must infallibly lose. The play of Astaroth was admirable! He never made a false play. Our hero remained afterwards convinced that he could give the odds of a piece to any player. The despair of Vincenzio was in proportion to the importance of the game; but his courage increased with the danger. He fought for his life in this world, and his soul in the other.

A considerable number of moves succeeded; and on both sides, the action closing in more and more, the issue became uncertain. To judge by appearances, and according to human science, our

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hero's game was unquestionably the better; yet Vincenzio was sad, for he knew by experience that the demon was but mocking him. He felt exactly in the situation of a mouse between the claws of a cat, which suffers it to escape, and all but reach its hole; then, by a rapid bound, seizes it, and cuts short all hope of escape. Astaroth had not the advantage of numbers; he had the White, and it was his play. The following was the position of the game:

WHITE.—King at Queen's Rook's square; Queen at Queen's Bishop's second; Bishop at King's seventh.

BLACK.—King at Queen's Knight's third square; Queen at King's Rook's sixth; Rooks at King's Rook's second, and King's Bishop's second; Pawns at Queen's Rook's third—Queen's Knight's second—Queen's Knight's fourth, and King's Bishop's third.

"My new gondola to five hundred gold sequins, on the Black," whispered the young Alonzo to his friend.

"The Blacks seem to have the advantage; but the Whites can give some checks with their Queen and Bishop. I would not bet," replied Lucentio.

"And what good will those checks be to him? The King, after those checks, will retire behind his pawns, and there will laugh, at his leisure, at the devil and all his wiles."

"There can be no doubt," continued Alonzo; "Vincenzio has strength enough to crush him. I cannot imagine why that stupid fool has exposed his pieces in that way, to lose them one after the other!"

Astaroth cast a rapid glance over the group of the spectators, and his sardonic laugh struck upon the ear of his adversary like the funereal stroke of a death knell.

"If you play all the moves correctly, my dear Vincenzio, you will not be checkmated till the seventh move." And such, in fact, proved the case.

The amazement of the spectators was at its height. They were astonished that Vincenzio did not ask his revenge, and all tumultuously pressed the stranger to return on the morrow. Vincenzio took no part in their solicitations; he knew too well that his conqueror would come but too soon. Astaroth bowed, and left the apartment with a noble and majestic step. Alonzo followed him, resolved if possible to make his acquaintance. But, by the time our young madcap reached the marble steps of the palace, Astaroth had disappeared from his sight.

The friends of Vincenzio surrounded him, seeking to console him for his defeat. To their great astonishment, they found him quite composed;—in everything certainty is always better than doubt. Our hero was content to know his fate; and when Astaroth relieved him from his detested presence, it seemed to poor Vincenzio that the earth and heaven smiled again, and that the the gates of hell were once more closed to him.

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On the following day, Vincenzio di Guadagnaro caused to be constructed a vast funeral pile. There were heaped upon it, by his command, his magnificent chess-tables, set out with their pieces, as well as all the works and manuscripts that treated of the game. Vincenzio himself set fire to it, and the whole was reduced to ashes. The gallery of Chess was deserted; and as for the masters and distinguished amateurs of this noble game, Vincenzio gave them their dismissal, loaded with magnificent presents, and they returned to their homes, their hearts overpowered with grief.

A short time after, the most illustrious personages of Venice were invited to a splendid banquet at the Buondelmonte palace. In a speech prepared beforehand, and full of courteous and friendly expressions, our hero declared solemnly to them, that if any one should hereafter propose to him a game of Chess, the proposition, from whomsoever it might come, would be regarded by him as a challenge to mortal combat, which should be despatched on the spot. And as all the friends of Vincenzio knew that he was the man to keep his word, they received it as a settled thing, and contented themselves thenceforth to play without him at the noble game of Chess.

Chapter IV.

It was near at hand, the hour that was to place Astaroth for the last time face to face with Vincenzio. If he loses this last game, never again a hope for him! He will be reduced to pass on the earth the rest of those miserable hundred years promised him, gnashing his teeth like a criminal struck by a sentence of death; for since the last appearance of Astaroth, nine years and nine months had already expired. Let us see how Vincenzio had passed that period.

In exterior, little change was to be observed in his person; only the curls of his hair had whitened, and his brow was furrowed with innumerable wrinkles.

From success to success, Vincenzio had reached the summit of dignity and renown. He it was, that fathers cited to their children as a model to follow. The name of the noble Guadagnaro was placed side by side with those of an Aristides or a Pericles. In his judicial robe, as in one of his magnificent palaces at Venice, he was resplendent with power and glory. The ducal crown graced his brow, but that accursed brand was still around his neck. Horrible necklace!

A sentiment of terror and despair had proceeded the last visit of Astaroth. Often did Vincenzio hover like a shade, about the tombs, and at times would he exclaim: "Why am I not icy cold like these dead that repose beneath these stones!" Did he make an excur-

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sion on the Adriatic, he cursed his vessel that it floated upon the waves. He knew, however, the wretched man, that were he sunk to the bottom of the sea he could not have died! The elements had no power over him,—was he not damned? Profound was the wound that despair and a cruel agony had made in his heart. The powerful Vincenzio resembled a ghost escaped from the tomb. The miserable man was a prey to the most dreadful tortures!

However, a sudden change took place in Vincenzio. That violent despair was suddenly succeeded by a gloomy dejection and a stoic insensibility. He seemed to await with the most disdainful indifference, the coming of his infernal guest. Oh, what a type was that man, of the human race!

It was the festival of St. Mark, and the waves of the Adriatic were ploughed by a thousand gondolas. Nobles and beggars, in the most picturesque costumes, jostled each other in the crowd. The sky was clear and of a deep blue, the sea smooth and tranquil, and the air balmy. In the midst of the crowd that filled the square of St. Mark, might be distinguished our hero, who attracted all eyes. He was magnificently attired, but his sadness contrasted strangely with the gaiety of that festival.

The crowd swelled, moved to and fro, and like the waves of the sea, ended by being thrown into a tumult. A poor old monk, in seeking to retire from this scene of confusion, was on the point of being inevitably thrown down and trampled under foot, but for the succor of the arm of Vincenzio, who kept the crowd at a distance, and sustaining the steps of the aged man, conducted him to another little retired spot of safety.

"May God bless thee, my son!" said the old monk. These words pierced the heart of Vincenzio. He shuddered.

"Mockery!" murmured he; "no more blessing for me! Never, never!" Then suppressing his emotions, which under the sway of a deep impression, were ready to burst forth, he answered the monk—"Thanks, good father! The blessing of the virtuous man is like water to the parched flower!"

"Well spoken, my son," replied the monk, who was evidently a stranger in Venice. "The prayers and blessings of the good man are indeed of great price! Religion can alone heal the wound which has resisted all the art of the leech."

"Monk! What mean you? Do you know me?"

"No, I know thee not, man that needest succor! For fifty years have I lived among the Saracens, seeking to win souls to God, and I am unknown here. How many strange things have I not beheld in the course of my life!"

"Have you ever encountered Satan in person, good father?"

"My son," said the monk, "let us not jest on such a subject!

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You will not perhaps believe me, but often have I found myself in his presence, and, with the grace and aid of God, have I vanquished him under all his disguises. More than once have I seen him flee before me, under the form of man!"

And the monk muttered a prayer, and crossed himself, with his eyes raised towards Heaven, while the wind played amidst the long floating locks of his silvery hair.

A sudden thought struck Vincenzio, as he gazed upon the old monk standing before him. He quickly seized his arm, and conducted him to an isolated apartment of his palace, and there re-related to him his wretched history.

Some minutes had elapsed, and Vincenzio was pressing the monk to his bosom, exclaiming with a loud voice and joyous tone, "I am saved!"

Vincenzio is saved—how? That is what you shall soon learn. His soul is henceforth lightened of its heavy burthen, and all within him is joy and happiness. Satisfied as to the discretion of the monk, Vincenzio said to himself:

"There was nothing wanting to my happiness but to be able to baffle the demon, and now, thank God, I have the means for that. He has given me a severe lesson, to-morrow I will take my revenge."

On the following day, the last of the appointed period, Astaroth presented himself, and great was his astonishment at the courteous reception that he met with from our Venetian. Far from trembling in the presence of his infernal guest, Vincenzio bids him cordially welcome, and even says that the time had seemed very long since he last had the pleasure of seeing him.

"Never fear," replied Astaroth; "the day will soon come when we shall part no more."

Vincenzio had the table and box of chessmen brought, which were all ready beforehand, and ranged his pawns in order of battle. Astaroth was amazed at his composure.

"One justice I must indeed," said he, "render you, Vincenzio—that for firmness of resolution, urbanity of manners, and courage to sustain any trial, it is impossible to meet your equal. I have waited patiently; your caprices have given me a great deal of trouble, but, candidly, I cannot remember them with the slightest regret."

"Come, come, you flatter me, Astaroth! My dear friend, yours the first move, if you please!"—and the game commenced.

"We so rarely meet," said Vincenzio after a moment's silence, "that I seize this opportunity to request some information from you—(Check!)—relative to a mystery which I should greatly like to penetrate. You know that science has always been my idol;

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it is respecting the power that you possess of reading the thoughts of man?"

"On such terms as we are now, Vincenzio, I cannot so well read your thoughts as I could in any other situation. It is enough that there be any compact between me and a man, to place that man, during the entire period of our agreement, beyond the reach of the power that I exercise over those who are less under my immediate control."

"You mean to say, for instance," replied Vincenzio, "that you cannot in any respect do me any personal injury?"

"Why such a question?"

"Oh," said Vincenzio, laughing, "the fact is, I intend to give you checkmate presently, and I wished to know if I could do it with impunity—that's all. I am not very fond of quarrels, and have no desire to do the least thing to annoy you, my excellent friend."

"A truce with this jesting. 'Tis ridiculous," said Astaroth. "A bargain is a bargain, and I could not break it any more than yourself. Whether you win or lose, you will still not the less live the number of years agreed upon, and nothing will be able to diminish your happiness on this earth. But to checkmate me—that's a good joke!"

These words called forth a disdainful smile from Vincenzio, who began to look with contempt upon the imprudent Astaroth for allowing himself to be duped by him.

Meanwhile the game proceeded, following the same direction as the preceding. Our Venetian smiled as he remarked how impotent was the science of the most skilful human chess-player, in comparison with the art of a devil, and the cunning of the inhabitants of hell. "All my combinations," thought Vincenzio, "turn to his advantage; and were he to give me a castle, as he well could, I still should lose,—but all for nothing, poor devil!" The following was the position of the players; Astaroth had, as usual, the Whites, and it was his turn to play:

White.—King at his second square; Rook at Queen's Bishop's square; Knight at Queen's Bishop's fifth; Pawn's at Queen's third—King's fifth—and King's Bishop's fourth.

Black.—King at Queen's fourth square; Rooks at Queen's Bishop's square, and King's Bishop's square; Bishop at King's Knight's third; Pawns at Queen's Bishop's third—Queen's fifth—King's third—and King's Bishop's second.

It is easy to see that Vincenzio had the advantage of a castle; but, according to the common saying, the position, in Chess, is worth more than the number of pieces.

The game was at that point when Astaroth suddenly exclaimed: "Very well! In four moves you are checkmate." And the demon played the first of the four moves.

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Vincenzio examined the position attentively, and saw that in fact, in the number of moves indicated, the checkmate was inevitable; but at the same time he could not refrain from admiring the eminent talent of his adversary, who, by a series of admirable moves, had thus forced and surrounded him on all sides. The heart of the Venetian beat high in his breast, and a slight paleness passed over his face. The impression that he experienced was delicious, and never had vengeance appeared so sweet to mortal. He remained with his eyes fixed calmly on the chessboard.

"You see that I am not mistaken," said Astaroth. "Come, play!"

"Are you then in such a hurry, my good friend?" replied Vincenzio.

"Obey without reply. It is of no consequence how you play, but play at once; come, now!"

"My excellent friend," answered Vincenzio, "my good protector! man or demon, whatever you may be, moderate your impatience. I am but an humble and poor mortal—deign to listen to me. I believe we are playing according to the strict rules of the game. Now, according to those rules, I can take all the time necessary to make my combinations. Ah! I entreat you, do not be so uneasy on your chair; you shall speak when I have done. The move is a difficult one, that is all. You claim to be able to checkmate me—so much the better, if you are able. I have lost the preceding games by playing too fast, a common fault of beginners, but I will not again fall into the same error. The position demands a serious attention. I will reflect, so long as I shall not have discovered the correct move to enable me to avoid my ruin. Till then, I shall not play. I intend to wait several hours before deciding. So you are at liberty to retire and return to morrow; then only shall I be able to tell you what I mean to play; or, if you prefer to finish the game by correspondence, I can inform you by mail of the move on which I shall have decided. In the meantime, I wish you every species of happiness. Pray excuse me; I sup with some friends, as I have mentioned, and am in despair that it is not in my power to invite you to accompany me."

As he concluded these words, Vincenzio rose, and politely saluting his infernal guest, motioned him to the door.

Astaroth could not articulate a word. He was, as they say, caught in a trap. He found himself fairly floored by the impudence of this man. But at length his fury burst forth.

"What do you mean to say?" he cried, entirely beyond himself. "Are you an infamous scoundrel, or have you lost your senses? Come, play at once, or else———"

"Ah! ah! ah! ah!" said Vincenzio, laughing. "No threats, I beg. Have you not acknowledged that you possess no power

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whatever over me? I confess that I am under great obligations to you, and if an opportunity should offer, I shall be too happy to render you any service in return. Meanwhile, till I can have that pleasure, Satan, (and Vincenzio raised himself erect to his full height),—liar and father of lies! know that all your wiles have been baffled and reduced to nothing by a simple mortal—by a man who mocks you to your face! Behold that clock! in a few seconds the time that you are to pass upon the earth expires, and you have to return to hell!"

Rage caused the blood to rush to the face of Astaroth, which completely blackened its purple hue. "Monster of ingratitude!" he howled forth.

"I am a man!" coldly replied Vincenzio.

Scarcely had he finished these words when midnight sounded. A terrible peal of thunder shook Venice to its foundations, and Astaroth disappeared from his eyes.

"After all," said Vincenzio to himself, "I have not treated him very handsomely."

Our Venetian never saw Astaroth again. He lived to a very advanced age, preserving the privileges of youth and the enjoyment of every pleasure, which he owed to his infernal compact. He devoted himself anew to Chess, and became more passionately fond of it than ever; the players of every country acknowledged him as their master. Nor did he forget his eternal salvation. When he felt his last hour approach, he received the consolations of religion, and after the priest had anointed his body with the holy oil, his soul took its flight to its creator.

MORAL.

Always take your full time to play, and never play too quick.

WOMAN'S LOVE.

My heart, a spirit pure, went forth in love,
  And found its own, unconscious, 'fancy free,'
And so returned, without the chance to prove
  Its tenderness and immortality.
Ah! say not so—thou thoughtless mind—not so!
  Love is not baffled in its tender quest,
My heart returned with gentler, sweeter glow,
  And burns the holier in my silent breast.

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Unconsciously beloved! how pure the prayer
My soul puts up to Heaven each night for thee;
There sure shall be no selfish purpose there,
And God will hear the wish of purity.
Oh may'st thou love as worthily as I,
And in an answering heart thy power of blessing try.

Can Love be hopeless? ah! they little know
Of woman's love, who think that Hope can die
In that immortal essence. It shall glow,
Long as her faith in God keeps true and high.
'Twas He that bade the stream of love to flow,
And He shall watch it with a father's eye;
What though no bower of home on earth may grow,
Her latent tender power where she may try,
One still may bloom for him whose earthly bliss
It is her life to make—and who can tell,
But the full tides that in her bosom swell
May be the secret source of life to this?
Love ne'er despairs its loved in joy to see,
And hopes an unseen fount of his delights to be.

Ah, little know'st thou of that mystic urn,
A woman's heart, if thou canst ask if Love
Can live and grow without a full return;
Thrice blest indeed the heart allowed to prove,
To him she loves, how life may bloom and glow,
With bliss that wedded souls alone may know.
But Love is heav'n-descended, and, its birth
And source forgetting never, needs must pour
A stream of joy around his path on earth
For whose dear sake it neared this earthly shore.
A cherished visitant art thou to me,
Oh holy Love! and in thy secret cell
I would be worthy that thou still shouldst dwell;
Oh may no thought of self thence ever bid thee flee!

Boston, 1839.

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PEACE AND WAR.

Among the philanthropic enterprises of our time, one of the most interesting is that which has for its object the abolition of War, and the adoption of the Peace principle by nations and individuals, in the settlement of all differences and disputes of a public and a private nature. The manner in which the cause of Peace has been advocated by the societies expressly formed for its promotion, has led to the discussion of topics of the highest importance to the intercourse of nations, and the existence of every government. The question has been raised whether war, defensive or offensive, be justifiable in any case; whether the taking of human life, and the resort to physical force by nations or individuals in self-defence, and for the redress of injuries, be not absolutely immoral and opposed to the principles of Christianity; and whether a Christian can consistently own allegiance to any government that claims the use of coercive measures for the execution of its laws.—It is with the view to a satisfactory settlement of these great questions as connected with the present agitation of the cause of Peace in our country, that we offer the following considerations.

The history of the Peace Societies in this country is remarkable not so much on account of their increase in numbers and means, as because, short as it is, it exhibits the *growth of principle*, which, whether true or erroneous, is ever the most important part of human history. An anonymous pamphlet, bearing the title of 'A Solemn Review of the Custom of War,' published in Boston in the year 1814, and republished in England, called into existence the different societies which afterward united under the name of the American Peace Society. That pamphlet was the work of a New England country clergyman,* whose fame had hardly reached beyond the sound of the bell of his village church, until the periodical of which he became the editor endeared the name of the "Friend of Peace," to all who found in this enterprise a sphere of action suited to their benevolent desires. "The Friend of Peace" was followed by the "Calumet," and this by the "Advocate of Peace" which is at present the organ of the Peace Societies. Kindred societies have been formed in England, France, and Switzerland. Memorials for the institution of a Congress of nations with a view to a peaceable adjustment of all international disputes, have been brought before one of the State Legislatures, and before Congress, at its last, and again at its present, session. The committee appointed for the con-

* Noah Worcester. He died at Brighton, Massachusetts, 1837.

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sideration of this subject by the Legislature of Massachusetts in 1837, moved several resolutions, condemning the "resort to War to settle questions of national profit or honor;" and recommending "the institution of a Congress or Court of Nations." The first petition of the New York Peace Society besought Congress, to "adopt the principle of reference to a third Power of such international disputes as cannot be amicably adjusted by the parties themselves, as an invariable rule instead of an occasional one;" and further, that, "in pursuance of this principle, a proposal be sent forth by this Government to those of other nations, that they would unite with it in the establishment of a great international *Board of Arbitration*, or a *Congress of Nations*, to which to refer international disputes; and also for the purpose of digesting and preparing *a regular code of international law*, obligatory on such nations as may afterwards adopt it." This memorial was read, and laid upon the table, in consequence of a very able report of the Committee on Foreign Affairs, by Mr. Legare, of South Carolina.

The Peace movement has encountered less opposition in this country and abroad, than perhaps any other cause of moral reform; and the inconsiderable degree of interest it has hitherto excited may, in part at least, be traced to the nature of the principle itself, which, when stated in its most general form, meets with universal assent or acquiescence; but when set forth with all the consequences derived from it by uncompromising practical reasoners, finds but few minds willing to adopt it. It is allowed by all that Peace is in general better than War; and that for the redress of wrong the use of moral power is generally preferable to physical force. But that coercion and war ought never to be resorted to, even in defence of life and liberty—this is a corollary to the Peace principle which would require a radical change of sentiment to gain admission to the practical creed of individuals and nations. This internal impediment to the progress of the Peace cause, arising from the nature of the principle on which it rests, is sufficiently evident from the change which the constitution of the society has undergone in the fundamental article which defines its *object;* and in the recent attempt at a still more thorough reform which has led to the formation of the "New England *Non-Resistance* Society."

The *object* of the American Peace Society as stated in its original constitution was the abolition of offensive war. Nothing was said with regard to the moral character of defensive war, because a difference of opinion was known to exist among the friends of Peace on that subject, and because the abolition of all offensive or oppressive wars implied that of defensive warfare as a necessary consequence. But this prudential restraint, and calculation of consequences, did not satisfy those who had embraced the principle of Peace as a divine precept that required explicit profession and

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strict obedience. They also argued, with much effect, that the term 'defensive war' is in practice at least a vague title, which in most cases, as recently in the wars of Napoleon, has been used by each of the contending powers to justify its having recourse to arms. Accordingly, at the ninth anniversary of the society, in 1837, the constitution was amended so as to declare, that "*all war* is contrary to the spirit of the Gospel."

This change was deprecated by those members of the society who approved of defensive war; and they thought themselves bound in conscience to dissolve their connexion. The official organ of the society endeavoured to persuade them to remain united, although "the revised constitution had recognised for its basis the contrariety of *all* war to the spirit of the Gospel." "Under such a constitution," it was said, "cannot *all* the friends of peace *consistently* unite? We do not propose this principle as a *pledge*; we do not enforce it as a *test*; we merely give it as a guarantee, that our influence as a society shall never go to countenance *any* form of war." * But this mode of reasoning, while it did not convince the conscientious believers in the justice of defensive war, failed, on the other hand, of satisfying those whose opposition to all war was only the consequence of a more radical principle. They reasoned in this way; and it is a singular instance of the general tendency of the times to push abstract principles to impracticable and even absurd extremes in their application: If the Government have no right to use and prepare means for defence against foreign aggressors, how can it be justified in proceeding forcibly against internal enemies by threatening and inflicting punishments? And "if a nation has no right to defend itself against foreign enemies, or to punish its invaders, no individual possesses that right in his own cause." The Gospel precepts, '*Do not kill*,' '*Resist not evil*,' and '*Render not evil for evil but overcome evil with good*,' absolutely forbid the taking of human life, and discountenance the use of force against enemies in every case, and inculcate an implicit faith in moral means, in remonstrance and self-sacrificing endurance, as sufficient to protect the just from the unjust, and to convert enemies into friends. These sentiments which had been cherished for some time by some of the most zealous advocates of the cause, though disavowed by the official organ of the society, found a full expression in the Peace Convention, held in Boston, on the 18th, 19th, and 20th of September last. This convention resulted in the formation of the "New England Non-Resistance Society," which put forth a Declaration of Sentiments, and adopted a constitution distinct from that of the American Peace Society. The second article of the new society states its object, in the words following:

* Advocate of Peace, No. 3, December 1837, page 107.

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"Art. II. The members of this society agree in opinion, that no man, nor body of men, however constituted, and by whatever name called, have a right to take the life of any man as a penalty for transgression; that no one who professes to have the spirit of Christ, can consistently sue a man at law for redress of injuries, or thrust any evil-doer into prison, or fill any office in which he would come under obligation to execute penal enactments—or take any part in the military service—or acknowledge allegiance to any human government—or justify any man in fighting in defence of property, liberty, life, or religion; that he cannot engage in, nor countenance any plot or effort to revolutionize, or change, by physical violence, any government, however corrupt or oppressive; that he will obey 'the powers that be,' except in those cases in which they bid him violate his conscience—and then, rather than resist, he will meekly submit to the penalty of disobedience; and that, while he will cheerfully endure all things for Christ's sake, without cherishing even a desire to inflict injury upon his persecutors, yet he will be bold and uncompromising for God, in bearing his testimony against sin, in high places and in low places, until righteousness and peace shall reign in all the earth, and there shall be none to molest or make afraid."

Soon after the doings of this convention were made public, the 'constituted organs of the American Peace Society' published a 'Disclaimer;' in which they declared, that the convention had been called by individuals acting on their own personal responsibility; that the society did not hold themselves accountable for any of the doings of, or sentiments expressed by, the convention; that the sole object of the society, as unalterably laid down in its constitution, was the 'Peace of Nations;' and that the New England Non-Resistance Society could not be considered as one of the auxiliaries of the American Peace Society.

We have given this brief sketch of the progress of the Peace cause in our country partly because, as we have already observed, we look upon the history of moral principle, however well or however ill understood, as the most important part of human history; and partly because it is a striking exhibition of the characteristic spirit and tendency of our time. Every institution, every law, every custom, every assertion, is subjected to the ordeal of an all searching and uncompromising skepticism which rejects every authority but that of facts, and discredit every testimony but that of reason. Neither the opinion of the world, neither origin, nor age, nor even present and past utility, can insure permanence to any form of faith or practice. The great question is whether a thing be true and right in itself—every thing else is of secondary importance. It cannot be denied that this spirit of free inquiry has not only its true, but its false prophets also, whose course is marked by a superficial, capricious, and derogatory desire of change. But even the sympathy and encouragement which this thoughtless and reckless love of innovation occasionally meets with, may be traced to the solid advantages which the cause of truth and humanity has derived from this uncompromising search after right. Our own political existence as a free people is grounded upon an attempt of unprecedented boldness in rejecting every historical, and fictitious

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basis of government, and reducing it to first principles—even to the eternal principles of perfect justice. However inconsistent we may be in many points of practice when judged by the perfect law of liberty and equality as laid down in our Declaration of Independence, who would not prefer to be condemned by this, rather than be justified by a lower standard? We do not share any of the conservative fears of many of our contemporaries, either for our religious or political principles. We see in the skepticism of the age a striving after a deeper foundation for the highest faith. Instead of crying it down as ultraism, radicalism, infidelity, or fanaticism, we honor even its aberrations. We are ready to treat with respect, and meet with no other weapons than straightforward argument, any attack upon existing opinions and institutions, however just and beneficial we may think them, if our antagonists do but appeal to our reason, and not to our faith in the infallibility of the new doctrine, or our patience to bear supercilious dogmatism.

Entertaining these views we are not willing to join in the hue and cry which has been raised in almost every newspaper we have met with, against the principles contained in the Declaration of Sentiments, and the constitution of this New England Non-Resistance Society. Principles which are essentially the same as those entertained by the Society of Friends, have a right at least to be heard, and not to be condemned without benefit of reason. It is true, they attack that which every human government considers as the indispensable condition of its existence. But it should never be forgotten that the allegiance of republicans to their government rests not so much on the fact of its existence, and its power to enforce obedience, but mainly on the conviction of its being founded in justice. There is great danger in our country lest the moral foundation of our institutions be overlooked, partly on account of the unexampled prosperity to which they have given rise, and which now tempts us to forget the cause in the effects; and partly on account of our political inconsistencies which, so far as they are suffered to exist, degrade our government to the level of those which have no other support than brute force. It is on this account that we welcome this Peace controversy, and every other discussion which must induce our citizens to reflect upon the essential moral elements of our government.

The authors of the New England Non-Resistance Society have rendered an important service to the cause of Peace inasmuch as they have attempted to reduce it to first principles. The object of these associated efforts is the establishment of Peace. What then is Peace? According to the practical definition contained in the constitution of the American Peace Society, peace is the absence of war; and therefore the establishment of peace identical with the abolition of war. And what is War? It is a state of discord

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between nations in which each thinks itself authorized to use against the other any violent measures that may promote the object it contends for. Now, if all war be sinful, being contrary to the spirit of the Gospel, what is it that constitutes its sinfulness? Evidently the resort to violent measures, the taking of human life, the destruction of property, and the infliction of other innumerable evils. If then war be sinful in all cases, and the use of violence constitutes the essence and essential immorality of war, the same principle must condemn the same means in every other case; it makes its sinful in the individual to take the life of an enemy, or use physical force, even in self-defence; and equally sinful in the government to inflict not only capital punishments but punishments of any kind, or to resort to coercive measures of any description. Hence the duty of every Christian not only to abstain entirely from the use of force against human beings, (absolute non-resistance,) but of refusing allegiance to any human government, inasmuch as being constituted to enforce its commands it is founded in sin.

We do not see how any man adopting the premises laid down by the American Peace Society, viz: that *all war* is contrary to the spirit of the Gospel, can arrive at any other results than those maintained by the New England Non-Resistance Society. We have no fault to find, then, with the *logic* of the Non-Resistance Society.

We will now briefly examine its premises, to see whether there be indeed no case in which war, or in general the use of force against human beings, be consistent with the spirit of the Gospel, and the principles of morality.

Both parties in this controversy, the advocates and the opponents of the non-resistance principle, refer to numerous scriptural authorities to sustain their respective views; and it must be confessed that the former are indeed able to assemble a sufficiently imposing array of texts, to diminish the surprise at first naturally entertained, that notions so radically at variance with every theory of human society that has ever been attempted to be applied to practice, could find any considerable number of intelligent partisans. For example, they cite the frequent repetition in the New Testament, of the precept, "Do not kill;"—the sublime prophecy concerning 'the last days,' that "people shall beat their swords into plough-shares, and their spears into pruning-hooks: nation shall not lift up sword against nation: neither shall they learn war any more;"—the various annunciations of *peace* connected with the advent of the Messiah, the "Prince of Peace;"—the example of non-resistance, even unto death, contained in the closing scenes of his own history upon earth;—his rebuke of the disciple who drew his sword and wounded the servant of the High Priest;—his answer to Pilate, "My kingdom is not of this world; if my kingdom were of this

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world, then would my servants fight, that I should not be delivered to the Jews;"—the injunctions "Let none render evil for evil," but rather "overcome evil with good;" and "Resist not evil, but whosoever shall smite thee on the right cheek, turn to him the other also,"—with others of similar import which it would be out of place here to enumerate.

There is, we confess, something grand in this idea of abstinence from the use of force as an element of human society; and of a patient and abiding faith in the good principles of human nature alone, as being capable of working out a better and happier result of social well-being, by the moral influences of Truth and Love, than can ever be produced by the action of the element of coercive force on its bad principles. The idea is, we repeat, a sublime one, however flippantly the superficial thinker may pronounce it ridiculous. And indeed the element of force has been so sadly perverted and abused to the worst of purposes, in all human societies that have ever existed, and so deep and pervading has been the moral as well as physical mischief growing out of its abuse, that it is not surprising that the minds of men, by long dwelling on this single idea, should carry it beyond the proper limits, within which every truth is regulated by its relations with all other truths, into the fanaticism of maintaining that all force is to be abjured, as essentially and eternally evil and the parent of evil. It is one of those prophetic presentiments of a higher and better state of being of which human nature, even in its present condition, is capable, from the elements of good which lie at the heart of its constitution. It is even somewhat akin to the democratic spirit of the age, being a difference of degree rather than of kind, in its confidence in human nature, and in the principle of perfect Liberty, as a better principle than that of strong Law. We have no doubt that a great many of the existing restraints upon the freedom of private action, in the forms of prohibitions and punishments, which are intended to force men to be good and happy, are in truth pernicious in their operation, doing more harm in one way than they do good in another. But still this doctrine of non-resistance, or the utter and total repudiation of force, is an ultraism in the opposite direction, entirely inconsistent with the actual imperfection of human nature, which would probably be still more mischievous in its practical operation, supposing the possibility of its ever being seriously applied to practice by any community of men.

Without going elaborately into an analysis of the scriptural arguments adduced in its favor, of which the leading passages are above referred to, it will be sufficient—for the purpose of satisfying those minds which would rest the solution of the question on that ground alone—to remark, that an enlightened criticism, viewing the meaning of these and similar passages in the light of the general princi-

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ples both of Christianity and of human nature, and in comparison with other passages of a different import and bearing, can find in them no support for the extravagant ultraism into which this new-light school of non-resistance would push the Peace principle, the spirit of which is in truth transparent throughout every part of the Christian Scripture. On the contrary the language, and on more than one occasion the personal example, of the Founder of our religion himself, directly or impliedly sanction the use of force for the maintenance of right, and even for the punishment of wrong. And if the ultimate tendency of the reform which he introduced is to such a state of things, of absolute and universal Peace, it is a result to be brought about only by the operation of the great moral principles of his reform, to remove the causes which, so long as they exist, in human injustice and sin, render the moderate use of coercive force not only justifiable, but indispensable to the cohesion of human society.

We may safely then assume it as proved, that this non-resistance theory is not borne out by the Christian Scriptures, neither by special precepts, nor by the authority of example; although undoubtedly they do condemn the use of physical force against rightful authority, or for the promotion of truth and counteraction of error of opinion, and generally enjoin a pacific, conciliatory and benevolent spirit.

We will now examine the philosophy and practical fitness of this doctrine as set forth by its most intelligent advocates. It is this. Man being endowed with a rational and moral nature, all men might and ought to be guided in their conduct by a sense of duty, and sentiment of kindness. All means, therefore, which, setting aside man's higher nature, are intended to force them to do right, are essentially wrong. Now, war and the use of force for settling difficulties among men, will never be abolished unless some men resolutely begin with taking the ground of never resorting to these means under any circumstances. If it be understood that no force will be used even in defence of right—if war, with all the preparations for war, as well as chains and prisons, be abolished—much greater exertions will be made to induce men by moral means, by education, public opinion, argument, and persuasion, to respect the rights of their fellow-men. Still suppose that, notwithstanding these moral efforts, there should be some men who are not restrained by the mere consideration of the injustice of an act. Even among these, few would be found mean enough to inflict injustice upon one who is resolved to bear it without resistance. Thus, in the rebellion towards the close of the last century, the lives of the Quakers were spared; and in the settlement of Pennsylvania, the peace policy of its founder prevented all hostility on the part of the natives. Hence the principle of non-resistance is generally the safest, as well as the best,

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course. But even if there be any human being so hardened and so mean as to inflict an injury upon an unresisting fellow-being, the voluntary martyrdom of the innocent is the highest glory attainable by man, as well as the surest way to establish the truth for which he suffers, and to effect even the conversion of his persecutors. It is thus that Christianity has triumphed so far, and will triumph at last completely over all its enemies.

This mode of reasoning rests on two distinct grounds—expediency and principle. The first of these relates to the personal safety of the individual who embraces the doctrine of non-resistance, and the probability of success in his pursuits. The other question concerns the morality of the two principles, of total abstinence from physical force, and a partial use of it.

With regard to the alleged safety of the practice of non-resistance there can be no doubt, that distrust is very often the chief cause of danger, and faith the best security. The moral importance of the principle of faith in education is generally acknowledged; but it is the peculiar merit of the friends of Peace to have brought forward many glorious instances of reckless crime disarmed by defenceless faith. They have shown that even when the character of a man is formed, and his habits are fixed, after he has thrown off all allegiance to virtue, and put on the whole armour of crime, still he is not proof against the arrows of kindness; he feels constrained to revere virtue in others even when this reverence is necessarily coupled with self-contempt. But on the other hand, the force of facts constrains us to admit, that in many cases the most devoted heroic faith has proved inadequate to overcome the determined wickedness or hopeless delusion of men. Thus the early converts to Christianity, according to the testimony of the fathers of the church, generally refused to fight, on the ground that they were Christians. Yet they, as well as the author of their faith, were accounted as 'sheep for the slaughter.' It is not consistent with facts, then, that the non-resistance faith is always a safe and expedient doctrine. Those whose conduct is conformed to the belief that men are creatures of circumstances, are generally safe; but those who act upon the principle that circumstances are, or ought to be, the creatures of men, who dare to have an opinion, a conscience of their own, whether the world be with or against them, they live a life of constant danger. In the height of success they must be prepared to hear the cries of Crucify! Crucify! even before the last echoes of Hosanna! have died away.

This question, whether one mode of conduct be less dangerous than another,—whether it be probable that the man who has struck one blow to destroy my life, and having missed by accident, aims another, will forbear upon seeing my determination rather to die than to resist, or only upon finding me both able and resolved to

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take his own life in case he should endanger mine,—this question depends on a calm and discriminating consideration of the circumstances of the case. The theory of implicit faith in man's better nature has been refuted by the whole history of martyrdom; the opposite theory of distrust has been disproved by many instances of determined criminals, and even madmen, overcome by non-resistance, made irresistible to them, by the power of faith and love. The safety of either of these antagonist principles cannot be determined by general rules, but the nature of the case must be the practical guide for individuals and nations. "What king, going to make war against another king, sitteth not down first, and consulteth whether he be able, with ten thousand, to meet him that cometh against him with twenty thousand?" But it is not only numbers, but natural advantages, and above all the encouraging and inspiring influence of a good cause, which are to be taken into account. It was by partly accommodating themselves to existing circumstances, and partly by forcing circumstances into the service of their determined will, that the ancient Greeks resisted the countless hosts of the great king, and that in more recent times the Netherlanders, the Provinces of North America, and the modern Greeks, established their independence.

With regard to the chances of war a computation has recently been made, with a view to ascertain in how many wars recorded in history right has prevailed over wrong. It is supposed that the number of cases in which the good cause has been victorious, and of those in which it has been defeated, is about the same. The usefulness of war as a remedy against injustice has been inferred from that computation. But this conclusion does not seem to be borne out by the facts adduced. The fact that justice does not always prevail in contest only proves that the goodness of the cause is not of itself sufficient to secure to its defenders the victory. The belief in an immediate interposition of Providence, which instituted ordeals, has long been given up as a superstition. Hence, he who maintains the justice of resistance against oppression, agrees with the advocate of non-resistance in condemning any attempt at insurrection made without reasonable prospect of success—unless the tyranny be so atrocious and degrading that the most hopeless struggle is preferable to brutalizing submission.

But while it is true on the one hand that justice, without the means of carrying it into effect, without forecast, activity and decision, does not insure success, it is equally true that of all the favorable auspices under which a man may go forth to mortal strife, there is none so propitious and sure as the consciousness of a good cause. We remember to have seen in Germany in the hands of one of the bravest of the brave who distinguished themselves in

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the war of German Independence in 1813, an old sword that bore this simple inscription:

> "Ein gut Gewissen in Sachen
> Einen beherzt und froh thut machen."

That is,

> "A conscience good in what we do
> Doth make one brave and cheerful too."

The cheerful courage inspired by the justice of the cause we contend for, differs essentially not only from that which seems to be the effect of a vigorous physical constitution, but that also which springs from the intoxicating influence of ambition, or any other selfish passion. The courage of ambition has helped individuals to make themselves the masters of their fellow-men; the courage of conscience has stirred up nations to shake off the degrading habits of servitude, and reënact their abrogated humanity. A single instance like that of the founders of the Swiss Confederacy, pleading their chartered rights as independent members of the German Empire, exhausting all their means of entreaty and protestation against the ambitious rapacity of the Dukes of Austria, despised by her warlike nobility, until at last, grasping the weapons of despair, they rose against their oppressors, and the shepherd's sling once more prevailed against the giant's coat of mail and helmet of brass—this single instance of the only free community in monarchical Europe formed and self-sustained by dint of resistance against tyranny, is sufficient to prove the expediency of war as a last resort of oppressed justice. This and other examples of successful resistance rise in importance when we consider that the history of man does not exhibit more than one instance of a people recovering any considerable portion of their natural rights by free concession.

Whether he who vindicates the cause of right on the battle field, or he who simply delivers his testimony to the truth and seals it with his blood, be the greater hero, this is a question which has drawn forth different answers. The charm of military eminence, and its vast practical effects, have for a long time so dazzled the imagination, and corrupted the judgment, of men, that they have been disposed to overlook the object, in pursuit of which, and the steps whereby, a Cæsar and a Napoleon rose to greatness. The friends of Peace have exposed this false judgment, and have shown that military prowess may exist with, and may sometimes be traced to, moral cowardice. But the honest zeal to disabuse mankind of so dangerous a prejudice has carried some so far as to deny the existence of military virtue. Some have denounced all military heroism, that of the deliverers as well as that of the enslavers of men, as "wholesale murder." To us the true characteristics of moral heroism seem to be these three: an honest conviction of

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duty, however correct, or however mistaken; an exalted effort of will; and the spirit of self-sacrifice. It is the possession of these qualities which makes us look upon a Washington as a moral as well as a military hero. What instance of unresisting martyrdom is there that supasses in moral glory the deed of Winkelried, who made a breach in the fearful wall of armed spearsmen, the prime of Austria's chvalry, that baffled the boldest attacks of the naked bravery of his countrymen, by grasping a large number of hostile lances and thrusting them firmly into his own bosom, so that they could not be withdrawn before the Swiss host rushed over his body into the midst of the invincible square doomed to become the mausoleum of Arnold Winkelried?

When we compare this and many other instances of warlike philanthropy with the highest and purest examples of unresisting martyrdom, we feel unwilling to admit any invidious distinction that would ascribe either to the one or the other a higher degree of merit or virtue. There seems to be something in the peculiar physical and moral constitution of benevolent individuals, or in the different influences under which their characters have been formed, that fits and disposes each one more especially either for active or for suffering philanthropy. There are individuals, we know, whose voice and strength failed them when called upon to make a public declaration of their sentiments by word or action, though all the terrors of this world could not force from them a denial of a single article of their creed; and there are others who rejoice in a public, but shrink from a more private, exhibition of fidelity to principle. The crown of martyrdom belongs to him who is ready both to act and to suffer, as the fulfilment of his moral mission may require the one or the other; and humanity will own her votaries, and accept their sacrifice, and not allow those to go down to an unhonored grave who fall in her service, whether grasping the sword, or clasping the crucifix.

Still it may be said with good reason, that although candid and enlightened men will judge the character of individuals by the standard of their own professed principles, the fact that there are conscientious soldiers does not establish the morality of their profession. The taking of human life, and generally the use of force against beings who are fitted and destined to govern themselves by principles of justice and kindness, is inflicting evil, and therefore wrong, unless it be proved to be necessary to prevent greater evil. Punishment and war can be vindicated only on the ground on which the amputation of a limb, or the use of a dangerous medicine to save the life of the patient, is justifiable. What, then, is the principle of justice, if there be one, that authorizes and regulates the use of force?

It is evident that no human being can attain to that degree of

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perfection and happiness in this world, which his own nature points out as his destiny, unless he be free to use his faculties, and the various means of improvement and enjoyment which the Creator has placed within his reach. Every man, in virtue of his being a man, claims the widest sphere of independent existence and action which a human being can possess, consistently with the equal independence of every other. It is this equal sphere of freedom which we call his right. It includes personal and social rights, as well as rights of property. The duty to respect the rights of all, and the injustice of every infringement, are obvious. Hence the duty to vindicate the just claims of all from injustice, by adequate means, even if these means should be painful to the offender, provided they do not inflict upon him any more evil than is necessary for the purpose of securing the rights of others, which he has violated. He who knowingly violates the right of others shows that so far he is governed, not by his moral, but by his animal, nature. He so far justifies those whom he has injured, in treating him on the supposition that argument and persuasion are less likely to keep him within the bounds of justice, than the application of physical evil sufficient to check his criminal propensity. For though a man cannot by force be made to respect the rights of others, he can by force be made to abstain from violating them. That supposition does not deny the possibility, however improbable, that a man who has shown, by his act, that the mere consideration of its injustice is not sufficient to restrain him, may be converted by the unmerited forgiveness of the offended. This possibility is acknowledged and implied in the fact, that the use of force in defence of right is a matter of right, but not necessarily a duty. It is a duty in general to repress injustice by the gentlest means, if they be sufficient; by the severest, if they be necessary. But as there is no external absolute standard to determine the degree of lenity or severity to be applied in every case, it is right, on the one hand, that he whose rights are violated should have the right to forego any or every means of redress and defence, in as much as he has to bear the consequences of his forbearance. But, on the other hand, it would be wrong to deprive the injured person of those physical means which, from the nature of the offence, are more likely to maintain or restore his rights than the use of persuasion, the efficiency of which has been rendered improbable by the very act of the offender. And it is the duty of all who are interested in the maintenance of justice, to afford to every one who is not willing to suffer injustice that supply of physical force which, according to their deliberate judgment, is required to counteract the criminal motive evinced by the act. Even in the case of a person who is resolved rather to die than defend himself, the fact that he possesses in himself, or in the community, adequate means to repel force by

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force, does much to enhance the glory and moral power of his martyrdom.

The general principle, then, which authorizes and regulates the use of physical force, may be thus stated. Coercion should be used so far, and only so far, as it is necessary to check the criminal propensity of those who are not restrained, by considerations of justice, from infringing the rights of others. This principle limits the use of force to the protection of the rights of all; and it is of the utmost consequence to hold fast the distinction between this and every other object, however desirable and laudable.

Thus it is highly important to individuals, and to society, that all superstition and bigotry should be eradicated, and that true religion should be planted everywhere. But we have no right to promote religion by force, either directly by imprisonment and war, or by connecting with the profession of a certain creed any civil or political disabilities. The most thorough conviction, based on the clearest evidences, that *our* faith alone is true and conducive to the welfare, temporal and eternal, of mankind, does not justify the use of any means but such as are included in the exercise of our common rights. My personal and social rights authorize me to use my own faculties for the purpose of enlightening and converting all who are disposed to hear me; and I have a right to use my property for erecting churches, and supporting preachers and missionaries. This is the extent of my rights of conscience, my religious liberty; which, as it allows to every one an equal range of religious action, every one has a right to defend and secure from encroachment.

The principle that regulates the use of force, as above stated, justifies its employment only so far as it is necessary and sufficient to overcome the criminal propensity that is not restrained by a sense of justice. The restriction of physical power to cases of necessity implies the duty of individuals and of society, before resorting to force, to use every means that may render that resort unnecessary. Hence the individual who is attacked by others, under circumstances in which he cannot apply to the constituted officers of the law, is bound first to remonstrate with the aggressor, then to threaten, and only when remonstrance and threatening prove fruitless, to employ force—unless the conduct of the aggressor should be such as to leave him no time but for immediate resistance. In both cases he is justified in using such forcible measures as are sufficient, and no more than are necessary, for the security of his rights. For the same reason, where the aid of the law is available, the individual must apply to its responsible administrators, instead of resorting to single-handed violence, or of raising a mob. It is for the purpose of removing or diminishing the necessity of coercive measures that laws are made, which are or ought

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to be nothing else than declarations of right, calculated by their justice to inspire respect and obedience. Courts of justice are established for a peaceable, impartial settlement of contested claims. To secure the compliance of those whom the respect for equal laws and impartial tribunals is not sufficient to restrain, punishments are threatened; and only when the fear of them is not sufficient to repress the criminal desire, the actual infliction is resorted to for effecting this purpose. The same principle applies to nations.

Both with regard to war and to punishments, the principle which authorizes force, only so far as it is necessary to secure invaded rights, forbids all useless violence and all cruelty. Hence the great importance of the difficult science of adapting the modes and degrees of punishments to the nature and degree of guilt evinced by the crime, for the purpose of securing the rights of all. The manner and the degree of punishment should answer both the immediate object of depriving the criminal of the power, and the more remote end of checking the criminal propensity, and reforming the character of the offender. It is when weighed in this scale, that capital punishments are found unjustifiable; for they are not absolutely necessary to secure society from a repetition of the same crime, and not calculated to reform the criminal; and no human being can be so utterly depraved as to render all attempt at reformation hopeless. The barbarous maxim that blood should be shed merely because blood has been shed, is growing obsolete; and the vindication of any punishment, on the ground of its serving as a terrifying example, is unsatisfactory, in as much as terror may be the effect of unjust as well as just punishments. The terrifying character of the punishment does not make it just; otherwise the code of Draco would be the most perfect work of penal legislation. If we add to these considerations, which may be summed up in the simple maxim, not to give unnecessary pain, that of the uncertainty of all human evidence, so justly urged by the author of the Penal Code of Louisiana, in opposition to capital punishments, we are satisfied that the taking of human life, though it may be necessary as a last resort of individual or national self-defence, is unjustifiable as a *punishment*, which, in order to be just, must bear the character of corrective discipline.

The same reasoning applies to war, and all preparations for war. Every war, to be just, must possess these three attributes: it must have justice for its object; it must be resorted to only when all peaceable means of redress prove of no avail; and it must inflict no injury beyond what is necessary for the redress of wrong. Of the last of these requisites we have already spoken, as implied in the general principle, that the infliction of evil beyond what is necessary to repress the criminal propensity of the evil-doer, is crime. Even in war, the principle of peace should be acted upon

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as far as possible. It should prevent the violation of the personal rights and private property of the inhabitants of a hostile country, as well as enjoin humanity toward prisoners.

With regard to the first of the above-mentioned requisites of a just war, we have already remarked, that resort to arms for any purpose but the protection of human rights, is unjust; though authorized by the legitimate sovereign, it is a conspiracy for robbery and murder, whether it be undertaken to satisfy the ambition or gratify the whim of a despot, or to uphold the balance of power among nations, or to establish universal peace, or to promote the interests of the cross or the crescent.

But when the rights of man, on the safety of which the destinies of mankind on earth depend, are violated though it be in the person of a single individual, or by the infringement of a single right—that single individual becomes the representative of mankind, and this single right is identified with universal justice. It is guarded by the armed providence of the law, and insured by the collected moral and physical power of the community. It is not the injury done but the injustice of the act which constitutes the right and the duty of war. Whether it be the Great King demanding 'earth and water,' or a mother country laying an unconstitutional impost upon tea—the demand is wrong, and resistance right; and when all peaceable means of opposition are exhausted, war becomes a duty.

The justice of the war does not depend on its being either offensive, or defensive,—if these words relate merely to the fact that one or the other of the contending parties was the first to commence actual hostilities. The question is simply who is the oppressor, and who the oppressed. He who disregards the rights of his fellow man, virtually commences hostilities, and he whom he has wronged, is acting in a moral point of view on the defensive, though he should be the first to take the sword. Hence the assertion, that all offensive war is wrong, and defensive war alone is justifiable, is correct only when it is understood as relating not to the mere fact of one having been the first or the last to take up arms, but to the aggression or defence of *right*.

But war in order to be just must not only have justice for its object, but it must not be resorted to until all peaceable means of redress have been tried in vain. This principle applies, as we have shown, to the use of physical force in general. The freer the government, the more manifold and powerful are the inducements to abstain from a violation of right, which makes the resort to force necessary. The general information of the people with regard to the rights and duties of all, the participation of all the citizens in the deliberation and enactment of the law; its promulgation in the manner best calculated to make it familiar to all; then the institu-

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tion of impartial popular tribunals to decide upon every case of contention arising under the law; still more the secure enjoyment of all the advantages which the law insures to every one who obeys it; and the powerful influence of public opinion strengthening the principles of honesty in individuals; and where such principles are wanting, the fear of just punishments contained in the law—all there are so many appeals to every individual to abstain from acts which must bring down upon him the sword of the law. And thus between nations, the more their mutual intercourse is unfettered and unrestricted, making each country interested in the welfare of every other by a constant interchange of productions, so much the stronger the inducements to settle any existing differences by arbitration and compromise, rather than war. It is not until all appeals to self-interest and conscience, all attempts at an amicable adjustment of difficulties, have proved fruitless, that resort to the last means of redress may be justified.

How long and how far an injured nation may forbear, magnanimously enduring wrong rather than have recourse to the fearful remedy of war, and extend the hand of peace before exchanging the olive branch for the sword—is a question which must depend on the nature and circumstances of the case. Arbitration is one of the means of amicable adjustment resorted to, particularly of late, with signal success. There are indeed questions, such as involve independence and sovereignty, which no nation can leave to be decided by arbitration. But with regard to those which come under the head of 'questions of national profit or honor,'* there does not seem to be any good reason for governments to refuse the decision by an umpire. It is in most cases not a due sense of the rights of property and national honor, but rather the reckless passion of aggrandizement, and the sensitiveness of the duellist, which make governments willing to lavish the blood and treasure of nations rather than compromise a doubtful pecuniary claim, or simply to explain what could be easily settled by frank and honorable explanation.

The efforts of the Peace Societies, therefore, for the purpose of inducing governments to adjust their disputes about matters of profit and honor by arbitration, are founded upon just principles, and deserving of universal sympathy and co-operation.

Another more permanent measure of universal pacification has been proposed by philanthropists, and recently brought before the Federal Legislature. It is a 'Congress of Nations,' consisting of delegates from all the states of the civilized world for the purpose of composing a code of international law; and a 'High Court'

* Report of the Committee of the Massachusetts Legislature on the subject of Peace.

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commissioned to decide all disputes between nations according to that law. These decisions, however, as well as the code, are to be invested with no other than an advisory power.

The establishment of a Congress and High Court of Nations is certainly a sublime conception; and we do not see any good reasons for considering it an impracticable scheme. But in order to make it a beneficent institution, the true object for which laws are made, and legislatures and courts of judicature are appointed, should not be lost sight of. Laws are just and morally binding, only inasmuch as they are declarations of the rights of all. It is for the purpose of securing to each human being the greatest freedom consistent with equality, that laws are made, legislators, judges, and magistrates appointed. All governments derive their just power from the consent of the governed; and this power is delegated to them for no other purpose than to secure the inalienable rights with which the Creator has endowed all men; and whenever they assume any other power, it is one of the inalienable rights and duties of their constituents to take it from them. This is the doctrine of the Declaration of Independence, and to secure these blessings of liberty to themselves and their descendants, the Constitution of the United States was framed by the founders of this Republic. Whatever partial inconsistencies may be imputed to us in our attempts at carrying these principles into effect, still these are the principles which "We, the People of these United States," have acknowledged as just in themselves, and to the support of which we stand pledged before the political world.

In conformity with this our political creed, our Federal Government, in its intercourse with foreign powers, has been guided by the principle, that treaties for the protection of commerce and the private rights of the citizens of our own and other countries, be formed with those who actually possess the sovereign power in any country,—so as to recognise only the fact, without acknowledging the justice of the title by which the power is held. In forming treaties with the Ottoman Porte, or with the Autocrat of all the Russias, it is evident that we are not negotiating with those who according to our political creed are the only rightful sovereigns of those countries; we are not treating with the Turkish and Russian nations, but simply with those, whoever they be, who have the power to protect the private rights of our citizens in those parts of the world.

Now, it would be inconsistent with our own political principles, as well as the most obvious facts, were our government to acknowledge an assembly composed almost entirely of delegates of the monarchs of Europe, as a "Congress and High Court of Nations." It is unreasonable to expect that in their decisions and regulations they would be guided by any other maxims than those which are

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maintained by their constituents—that is, the maxims of the Holy Alliance, which was formed expressly for the purpose of establishing peace and the principles of Christianity in Europe. These considerations derive additional strength from the state of public opinion in Europe, in consequence of which any war that should arise, from whatever cause, according to Canning's prediction, is likely to become a war of principle—turning upon the very principle which forms the essential difference between this and the other governments of the world.

It is said, that this central legislature and tribunal are not to have any other than an advisory power, so that the efficacy of their regulations and decisions must rely entirely on their wisdom and equity. But as long as the greatest portion of their constituents hold a power not derived from the people, and therefore dependent on a large standing army, it may be easily foreseen, that if the party in whose favor the High Court decides, have the requisite power, it will be employed for the execution of the sentence. Hence the circumstance that the court possesses no armed force, does not remove the objections to such a central institution, consisting of delegates of so many absolute monarchs, together with those of one or two republics,—added, as it were, by way of exception, to strengthen the general rule.

These objections do not apply to the settlement of differences by arbitration, as it is easy in each instance to find some third power which, with regard to the case in question, may be considered as disposed to decide with a degree of impartiality which can not be expected beforehand in all cases to belong to a central court emanating from such heterogeneous elements. At the same time it is unquestionably desirable that certain doubtful points of international law, with regard to which the opinions of some of the most celebrated writers on this subject disagree, and the decision of which is in no way affected by the essential difference in the political constitutions of different countries, might be settled by special treaties between those most interested in these questions.

A Congress and High Court of Nations must be considered as a truly cosmopolitan and philanthropic institution, if it be founded on a republican constituency. It is fitted to promote the highest interests of humanity, if its members are the responsible delegates and representatives of free communities, which consider all laws, both national and international, as binding upon themselves, only in as much as they are intended to make known and secure to every human being the greatest possible liberty consistent with equality; and recognize no power, whether legislative, or judicial, or executive, as rightfully constituted, but in as much as it is derived from and responsible to the people. The true way then to realize this

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sublime idea of a central board of international legislation and judicature, is to *republicanize the world.*

Let the principle of self-government be acknowledged as the only rightful form of government in every nation, and the chief source of all international discord is dried up. What national, nay, what selfish interest is there to be gratified by war and conquest, if it be understood that the conquered province is to govern itself, and to tax itself for the sole purpose of supporting its own government? In as much as the fundamental law of a state is truly republican, all its means and energies are directed not to its aggrandizement as a state, but to the protection of the rights of the individuals who compose it. If this were the condition of every state, it is evident that the civil institutions which are sufficient to secure the rights of the native would protect also those of the foreigner in his intercourse with the native. For although it is not to be presumed that men, being liable to err, and to be tempted by selfish motives, will ever cease to quarrel about their rights; yet if these rights, as acknowledged by law, are essentially the same all over the world, and if the power of each state have no other object than to secure them, what could induce the majority of any nation, in the enjoyment of the inestimable blessings of a free intercourse with all mankind, to go to war with another nation? Surely it is a true saying, expressive both of the main cause of war and the mode of removing it, that 'war is a game which, if nations were wise, kings would not play at.'

As soon, then, as the nations of the earth, or the greater portion of them, shall be sufficiently civilized and humanized, to recognize the protection of the individual rights of men as the only legitimate object of government, it will be safe and right for them to abolish war, and all preparations for war. It is thus, and thus alone, that the great prophecy can be fulfilled, that 'nation shall not lift up sword against nation, neither shall they learn war any more.'

Rulers who do not derive their power from, and do not hold themselves responsible to, the people, *cannot* disband their armies; and as long as there are such rulers, powerful enough to disturb the peace of nations which are governed by principles opposed and dangerous to their political existence, it would be a suicidal measure in a free nation to lay down its weapons, trusting to the justice of armed despots. No true and intelligent friend of Peace, no one who is able to distinguish between the peace founded on freedom, and the peace of universal despotism, can advise a free nation to wrest the sword from the hand of the Cherubim guarding the entrance to the Eden of Liberty.

We have endeavoured to investigate the subject of Peace and War, and the attempts of the Peace Societies in our country, impartially and thoroughly. We have found that war, and the use of

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force, are justifiable so far as they are necessary for the security of the rights of all. We have shown that, within these bounds, war, and the use of force are not contrary, but conformable to the spirit, the precepts, and the example, of the great Founder of our religion; but that Christianity aims at abolishing war by removing its causes. As we feel sure that these views are entertained by a very large number of true friends of Peace, we would suggest to the Peace Societies an alteration in their present constitution, with a view to secure the coöperation of those who now feel themselves excluded by the manner in which their object is stated. Instead of asserting that "all war is contrary to the spirit of the gospel"—we should prefer a simple declaration of their purpose to carry into effect the object of Christianity, to establish 'peace on earth and good will towards men', by inducing all men to respect the rights of all; and especially by urging upon nations the duty of settling any differences arising between them, by arbitration, or other peaceful means of obtaining justice.

We feel a deep interest in this Peace movement. It is one of the symptoms of the working of that divine principle of human LIBERTY which, in harmony and coöperation with the divine philosophy of the religion of Perfect Love and Truth, is yet, as we fervently trust, notwithstanding the fearful accumulation of evil and suffering with which the earth has groaned for so many thousands of years, destined to elevate and ameliorate the condition of humanity to a point far in advance of its present condition. It is one of its fruits, fast beginning already to swell and move in the embryo. We are anxious to rescue it out of the hands of the fanaticism of its most active and zealous friends—*the worst enemy of a good cause.* We are anxious that a sound and universal public opinion should form itself on this subject in this country; both with reference to the enormous mass of population which is destined in a comparatively brief period to overspread this continent, and to the moral influence, strengthening and spreading every year, which our example will exert upon the rest of the civilized world. The agitation of this question, and of the great principles, and deep moral elements of human nature, which it involves, will have a material influence on the progress of the cause of Liberty among the nations of Europe. Every year of peace crumbles away more or less the foundations of their thrones; and every clink of the hammer of industry, which it leaves free to play, strengthens the cause of the Many against that of the Few; and a few years of the discussion of this and similar topics, throughout the broad masses of *the people*, are alone required, to undermine the basis of their entire systems of force and fraud, of bayonet-circled palace, castle, and dungeon of state; and to prepare the nations for their reconstruction on the broad and imperishable foundations of liberty and quality.

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THE FAIRIES' DIRGE.

List to those softest notes,
  On the air flying;
Gently as sighs, it floats—
  'Tis for the dying:
List! for 'tis music sweet,
  Angels might borrow,
Borne on the breezes fleet—
  Last dirge of sorrow.

"Fare thee well, sister dear
  Kind angels guard thee;
Earth, friends, nor lover near,
  From home retard thee!
See, see! bright Peris come,
  Allah's word bringing;
Haste thee, then! haste thee home!
  Swift thy way winging.

"Gone is our sister now,
  Heavenward tending!
Mark, with her fair cheeks' glow
  Paleness is blending:
Death now hath claimed his spoil,
  Fling the pall over her;
Bring we earth's lightest soil,
  Gently to cover her.

"Bind we long braids of pearl,
  Round her brow shining,
With those fair ringlets' curl
  Gracefully twining;
Wreathe round those folded hands,
  On her breast lying,
Brightest of flowret bands,
  Sweet odors sighing!

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"Short be the words we say,
O'er her grave bending;
Gentle the fun'ral lay
Upwards ascending!
Spring flowers breathe around,
Guards of her silent grot,
And music of waters' sound
Sing ever o'er the spot!"

S. S.

STANZAS.

I blame thee not! thou could'st not know
The danger and the death
That smiled within thy dewy eye,
And hung upon thy breath;
How every accent of thy voice,
That thrilled upon mine ear,
And fell like music on my heart,
Was turned to poison there.

I blame thee not! Nor thou deny,
All guilty though I be,
Within thy heart to suffer yet
One gentle thought of me;
That thought shall rise when envious tongues
Shall mock me to thine ear,
And pay me for a world of hate,
By silence—and a tear.

I blame thee not! The blighted years,
The ling'ring days of pain—
Once more ,oh, let me see thy face,
And live them o'er again!
Or if the danger and the death
Still gleam within thy eye,
Oh better 'neath its flash to fall,
Than wasting thus to die!

T.

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PUBLIC CURRENCY.*

No subject possesses a higher practical importance to every individual of whatever pursuit or condition, than the public measure of value. The security of those who have property, and the livelihood of those who have none, mainly depend upon its stability. Though the people may enjoy theoretic power of self-government, yet by surrendering the control of the actual measure of value to irresponsible individuals, associations, or corporations, they in fact enslave themselves. For whoever possesses the power of taking the property or means of subsistence of any portion of the community without their consent, become in fact their absolute masters.

The leading article of the London Quarterly Review for January of the present year—the great organ of the Conservative party which is now struggling for the political control of the British Empire—emphatically asserts that the experiment of self-government by the people, has totally failed in this country. When we find ourselves taunted before the world by the satellites of the corrupt aristocracy of England with the perversion of the principles of our form of government, it becomes the duty of every American citizen who is worthy of the name, to ask himself, whether any ground in fact exists for this reproach, which is intended to bring odium upon the great cause of liberty.

At the outset of our government, a deep laid plan was devised for counteracting the principles of the Constitution of the United States, by the false and fraudulent policy by which the people, the industrious producers, of so many nations have been impoverished, and practically enslaved, for the purpose of gratifying the luxury, and of promoting the personal aggrandizement of the few, through the control over the property and subsistence of the people which the paper system gives to its managers. Our first President felt himself most reluctantly obliged to sanction the charter of the first Bank of the United States. But the secret devices of the enemies of equal rights were exposed to the view of our citizens with surpassing ability by Jefferson, Madison, and John Taylor, of Caroline—that trio of great men, whose abilities and public services were of such inestimable value to the cause of Democracy, and of whom Virginia has so much reason to be proud. These apostles of rational liberty exposed the flimsy pretexts under which the

* Report of the Committee of Finance upon the answer of the Secretary of the Treasury to a resolution of the Senate of the 4th of January, 1839, requiring him to communicate any authentic information he may have recently received in respect to the modes of collecting, keeping, and disbursing public moneys in foreign countries. *Senate Document*, No. 113, third session, 25th Congress.

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self-created aristocracy, during the earlier stages of our Government, had attempted to pervert our free institutions into engines of personal aggrandizement, wholly inimical to the purposes for which they had been established. The subtle machinery of the paper system could not be made sufficiently mysterious to conceal the snares which had been contrived for the subjugation of the people. The Democracy appreciated the designs of the paper-money speculators, and the political ascendancy they had at first obtained quailed before the light of truth.

Subsequently to that eventful period, the embarrassments into which the paper-money power succeeded in involving the public finances during the war, afforded another opportunity for grasping the control of the productive industry of the country. Under a similar pressure of necessity which had compelled Washington to grant his reluctant assent to the charter of the first Bank of the United States, Madison was induced to sanction that of the second. The previous departure from the principles of the Constitution, by authorizing the receipt of paper currency into the public treasury, had so generally expelled specie from circulation, that this great statesman was most unwillingly compelled to bow to the circumstances in which the country had become entangled, in order to carry on the Government.

The security of property, which the operations of the paper system have so repeatedly and ruinously invaded, was the ground of the Revolutionary contest. The tax of two pence per pound upon tea was not a consideration in itself worthy the notice of our sagacious fathers. Had it been acquiesced in, not an old lady throughout the continent would have been compelled to forego its indulgence upon any possible occasion. But this tax, ludicrously insignificant as it was in amount, involved the whole question whether the people of the colonies possessed the control of their own property, or whether it belonged to the British Government. It was therefore a question of liberty or slavery.

Currency involves the same question in a more complicated form. A false and fraudulent measure of value imposes burdens upon the community quite as substantial as, and, when carried to the extent it frequently has been in this country within the last twenty years, tenfold more destructive to the security of property than any system of direct extortion which would be tolerated among an intelligent people. An individual may protect himself from being robbed on the highway by his personal prowess—he cannot secure himself from plunder through the means of a false and fraudulent measure of value of which the use is recognized by law, but by contending against all the rest of the community. Any person who will calmly consider the immediate effects of the simultaneous suspension of specie payments by the banks in 1837, and the loss

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which was at once incurred upon the immense amount of contracts previously entered into, which were paid in currency depreciated from ten to forty per cent. in different sections of the country, will judge whether, under the relative plentifulness and scarcity of currency produced in the same manner, these consequences have been over-stated.

Many compliments have been from time to time bestowed upon the patience and forbearance of the people under the sufferings caused by this infliction, and the measures adopted to bring it about. Those who profited by this gigantic fraud can well afford to bestow a few cheap flatteries upon their victims by way of soothing and preparing them for the next revulsion.

On this occasion we cannot refrain from alluding to a fact connected with the late suspension of specie payments, to which the attention of the public has never been sufficiently drawn, and which throws a flood of light upon the measures which produced it. The charter obtained by the Bank of the United States from the Legislature of Pennsylvania, at the commmencement of 1836, contains a provision which every citizen of that State, excepting the few who were admitted into the secret, had the strongest grounds for believing would inevitably cause the forfeiture of the charter in case the bank should for three months refuse to redeem its currency in specie. When the occasion called for its application, it was found that so far from affording the slightest protection for the interests of the community, this provision had been carefully drawn up in evident contemplation of the suspension which took place more than a year afterwards, and instead of insuring the payment of the currency of the bank, under the expected penalty, effectually secured the bank against the legal consequences of its violation of the most sacred of obligations. It was accordingly empowered to trample upon the rights of property with impunity for more than a year and an half—and its final reluctant resumption was not occasioned by this penal provision, but by the overpowering force of public indignation. We do not propose to state the judicial decisions of the courts of Pennsylvania on this most important question. They are however worthy of the serious examination of legislators, whenever enactments intended to guard the community against frauds are under consideration.

Among the greatest improvements which the general use of paper currency has introduced among us, must be reckoned the entire reversal of the position of borrowers and lenders. Those who borrow the fruits of labor by the issue of paper currency, assume the guise of actual capitalists, upon whom the industry of the country is made dependent for support. The fallacy of the arguments which impose upon bustling, unthinking men, and lead them to uphold a false and fraudulent measure of value by which they

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are exposed to so many losses and inconveniences, would be at once perceived, were it not for the complexity of the operations performed by paper currency, which enables its manufacturers to practice the grossest impositions upon the community without detection.

An amusing illustration of this recently appeared in one of the daily papers, drawn up in law French, which probably added little to the facility of perceiving the ingenuity manifested in this report of a case, the like of which might, within these last two or three years, have arisen out of numerous transactions, somewhat similar, on a larger scale. We give its substance because it deserves to be more widely known as a familiar and striking specimen of the mode of reasoning upon currency, which perplexes and misleads so many well-meaning individuals. A person called at a bootseller's shop, purchased a pair of boots at the price of seven dollars, and offered a bank note of fifty dollars in payment. Not having sufficient money on hand to refund the balance due the purchaser, the seller stepped into a neighbouring establishment, and got the fifty-dollar note exchanged for an equal amount in small notes. After receiving his forty-three dollars, the purchaser went away, and was not afterwards heard of. The next day the fifty-dollar note was ascertained to be a forgery. The individual who had exchanged it required the sum advanced upon it to be refunded, which was accordingly done by the bootseller. Lamenting his loss to one of his customers, the latter agreed to indemnify him for a certain stipulated sum,—but it being found impossible for the parties to agree upon the amount of this loss, an action was brought upon this promise of indemnity, the bootseller claiming to have lost a hundred dollars. His first counsel insisted that he was entitled to the fifty dollars which he had repaid to his neighbour, to the forty-three dollars which he had given the purchaser in change, and the price of the boots, seven dollars, for which he was paid only by the forged note—making the hundred dollars which he demanded. The first counsel of the defendant, on the other hand, insisted that the loss was but fifty dollars, being the price of the boots, and the sum paid to the purchaser in change; while the second counsel of the defendant maintained that the actual loss was but seven dollars, which he undertook to prove by an ingenious process of reasoning, too long for our limits. The remaining counsel for the plaintiff contended that he had lost the fifty dollars refunded, and the forty-three dollars paid to the purchaser, making ninety-three dollars; the boots he admitted had been paid for, and he did not claim their price. The question proving too difficult to be readily settled by the tribunal before which it was depending, the opinions of the members of the bar present, not employed in the case, were asked. The first was of

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opinion that the true sum lost was fifty-seven dollars, being the price of the boots, which he considered to be unpaid, together with the amount refunded by the seller to his neighbour. The second, that the actual loss was forty-three dollars, payment having been made for the boots, and the sum lost was merely the amount carried off by the purchaser; while the third maintained with great earnestness that the amount lost was, first, fifty dollars, being the amount of the counterfeit note; secondly, the sum the bootseller refunded to his neighbor, fifty dollars more; and lastly, the price of the boots, seven dollars, having never been paid for, but by the counterfeit note without value—making one hundred and seven dollars. The difficulty originally attending the decision only thickened under these elucidations—and the question appears to have been postponed.* We have met with several individuals whose pursuits led them to believe themselves fully acquainted with the subject of currency in its practical bearings, whose notions upon the office performed by bank notes led to quite as absurd consequences as those of some of the lawyers on this occasion. Sensitive as the established order of society has always shown itself to be, in all countries, in relation to paper currency, few persons, even of those who have attempted to enlighten the public on the subject, appear to have been disposed to form clear and accurate views upon it, and the mass of most communities have, in consequence, been subject to the grossest impositions.

The document which has led to these remarks upon paper currency contains the most satisfactory and authentic account of the practical operation of an exclusively metallic currency, on a large scale, that we have ever met with. It seems that the Secretary of the Treasury, soon after the adjournment of the last session of Congress, addressed a circular letter to our consuls at the most important ports abroad, requesting answers to a set of queries upon the mode of collection, custody, and disbursement of public money which prevailed in their respective neighbourhoods. When the call upon him for this information was made by the Senate, replies appear to have been received from the consuls at London, Liverpool, Glasgow, Dublin, Paris, Hamburg, Bremen, Carthagena, Kingston, in Jamaica, and Havana, which fully explain the checks and facilities under which the revenues of the three great nations are collected, which, at different periods during the last two centuries, have

* In addition to the anonymous instances of "members of the bar" here alluded to, as so completely bewildered upon any subject involving the manifold mystifications of paper-money, we could name an individual of deservedly distinguished professional character, who has long occupied a highly respectable place on the bench of the United States' judiciary, whose opinion on the case here described was, that the loss sustained was *a hundred and seven dollars.* We make the allusion only in illustration of the real and important truth shadowed forth under the parable of this supposed fictitious case of the pair of boots.

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controlled the policy and commerce of the world—England, France, and Spain.

The principle is found universally to prevail in every part of the commercial world excepting this country—that nothing but gold and silver is received for public dues. England, which has been so often cited as an exception, turns out otherwise. The Banks of England and Ireland, of which the whole capitals have been loaned to the Government, are the public bankers of these two kingdoms. If payment is made to them in any other currency than their own notes, which they are bound to redeem in specie, the Treasury receives no credit for the payment until it has been realized in gold. The consul at Dublin, who is also the governor of the Bank of Ireland, states that the revenues of that kingdom are almost exclusively paid in Bank of Ireland notes, and does not therefore specifically refer to this principle; but the governor of the Bank of England, Timothy A. Curtis, Esq., in his evidence before the select committee on Joint Stock Banks in June last, as may be seen by his reply to the 137th interrogatory, expressly asserts that whenever the currency issued by the other banks is received from the collecting officers on public account, it is held by the Bank at their risk until it is converted into gold; and not till this conversion takes place, are the amounts carried to the credit of the Treasury on the books of the Bank. It may therefore be distinctly asserted as an incontrovertible fact, that payments are made into the treasury of no other commercial country but our own, in any measure of value excepting gold and silver, and the obligations of the Government.

By far the most able and interesting of these papers is the exposition of the monetary system of the island of Cuba, by the consul at Havana, N. P. Trist, Esq., with the accompanying statements of eight of the principal merchants with regard to the course of business and the state of credit of that great emporium of the tropical regions of the new world. The memoir is every way worthy of that distinguished member of the family of Jefferson. The same kind of talent—the eloquence, perspicacity, searching power of analysis, and true democratic philanthropy, for which the immortal author of the Declaration of Independence was so remarkable—is manifested throughout. The large number of the document, where it may be found entire, which was ordered to be printed by the Senate, renders it accessible to every individual who may feel curious to ascertain the prosperity and stability of agricultural and commercial operations upon the largest scale, under a system of *exclusive metallic currency.*

In common with most of the citizens of the United States, we have been accustomed to regard paper currency, circulating under such restrictions as to make it convertible into specie at the will of

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the holder, as possessing many conveniences. The facts set forth in this document have led us to a reconsideration of the subject, which has gone far to satisfy our minds that the advantages of paper currency, even to the mercantile classes, have been greatly overrated.

Reflecting that the greatest money-marts of Europe—the centres of its vast commerce during many ages—enjoying that political and personal independence so essential to the prosperity of trade—had never resorted to the use of paper currency, we became convinced that its importance had been exaggerated. Amsterdam, Venice and Hamburg, until the recent ascendency of the paper system among the monarchies of Europe, were the republican managers of nearly its whole commerce. They had banks enjoying the highest credit, and effecting important benefits—but they were not banks issuing paper currency. No man of sound judgment who investigates the mode in which business was transacted in those great emporiums, but must become satisfied—if the experience of the last twenty years in this country has not already convinced him—that commercial enterprize is on the whole more injured than promoted by the false stimulus of paper currency, in consequence of the fluctuations of price and the instability of property which it always produces.

At this moment in our western hemisphere, a contrast exists which affords a striking illustration on this point. At about the same period of the sixteenth century, two commercial cities were founded by Spain, in distant parts of her American dominions, Buenos Ayres and Havana. The former was placed near the mouth of one of the largest rivers in the world, watering an extensive territory, which comprehends a vast portion of the best climate and most fertile soil of the South American continent. The city itself derived its name from its salubrity. For a long series of years it carried on an extensive and increasing commerce. But the colony of which it was the capital having become an independent republic, in an evil hour it was unfortunately determined to realize the great advantages which superficial thinkers are apt to believe may be derived from the use of paper currency. The results at this time are familiar to all well informed and intelligent men. Not only is the wealth of its merchants almost wholly destroyed, but its commerce, before the recent blockade by the French, which was occasioned by the profligate public policy which the paper system invariably produces, had dwindled to a mere trifle, compared to what it must have been under its unparallelled local advantages, but for the practical destruction of the commercial standard of value. Its paper currency, before the blockade, was worth from eight to ten to one compared with specie—and the whole country from this cause has long been in a condition border-

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ing upon anarchy. How the existing difficulties, arising wholly from its paper currency, are to be longer borne—or how they are to be remedied without encountering new suffering and privations—appears, by the most recent accounts, to be a problem equally perplexing to its rulers. They will probably be soon relieved from further responsibilities on account of the public interests, if the recent advices of the internal condition of that country prove correct.

Havana was founded upon an admirable harbour, from which it derives its name, in the island of Cuba. This island is about eight hundred miles long, and at the broadest part perhaps a hundred miles wide, but generally much narrower. It comprehends a great variety of soil, most of it capable of improvement. Under a system of metallic currency, Havana has become the second commercial city of this hemisphere. In no other city, perhaps, in the world is commercial credit so uniform and unquestionable. Commodities are sold, and local improvements effected on the most liberal terms—but the practice of surety-ship among its commercial men, by which so many are ruined under the paper system, is *wholly unknown* in Havana, because there are no mercantile failures. By a rigid adherence to the standard of value, its great and increasing commerce is freed from those ruinous fluctuations which false and fictitious credits have produced among us, and consequently commercial paper at long dates is negociated with great ease, invariably without endorsement or guarantee. No region of country of equal extent, probably in the world, has improved with equal rapidity and security as the island of Cuba within the last thirty years. Its revenues now exceed in amount those of several European kingdoms. Commerce and agriculture are equally prosperous and advancing under a hard-money system. No banking power has been permitted to control the subsistence of the people by arbitrary contractions and expansions, as under the Republic of La Plata. Hence in a great degree, if not entirely, the difference of their condition, though possessing the same habits and origin.

We cannot close our reference to this valuable production of Mr. Trist, for which we tender him the sincere tribute of our thanks, and of our opinion that he has in a signal degree "*deserved well of the Republic*," without making one quotation from it which will serve to whet the appetite of our readers to procure the entire document itself, of which we only regret that, instead of ten thousand copies, the Senate did not print, for universal distribution throughout all classes of our citizens, merchants and manufacturers as well as farmers, ten times ten thousand:

"Here, then, are the facts. Here is flourishing industry, flourishing credit, above all, flourishing *commerce*, if such a thing exists under the sun. These are facts, the reality of which is beyond all question. The only thing that admits of it is, as to

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the inferences that are deducible from them. One of these is, that here there cannot possibly exist any one other thing, in its nature absolutely incompatible with a flourishing commerce, or with any one of the elements requisite to its high prosperity. The utmost that, in this respect, comes within the range of possibility, is, that there may exist here *two* other things, one of which is essentially inimical to a flourishing commerce, but the influences of which admit of being neutralized by those of the other. Another equally plain inference deducible from them is, that if any such inimical cause exists here, there must also exist some other cause of an opposite character, of sufficient efficacy to at least neutralize whatever injurious influences may belong to the former.

"Now, then, for two other facts, regarding the two most prominent and controlling, if they be not the only, causes that are of a nature to exercise any such influences: here, on the one hand, is a *metallic currency*, an *exclusive* metallic currency; and here, also, on the other hand, exists an *absolute monarchy*, maintained by the gleam of the bayonet, as constantly in the eye of every individual as the rays of the sun or the moon; and the leading, all-comprehensive, characteristic of which is, that it *regulates* every thing and every man, to an extent that is literally inconceivable to an American citizen. These are two things which exist here, in company with the flourishing commerce. Is either of them essentially inimical to it? Is this the nature of the metallic currency? If yea, then must its prosperity be due to the counteracting efficacy of the despotism. On the other hand, is the latter essentially inimical to industry, to enterprise, to credit, to commerce? If yea, then must their prosperous state be owing to the influences of the metallic currency; and these, so far from being essentially inimical to it, cannot possibly be otherwise than positively salutary; and that, too, in so eminent a degree as, after expending upon the counteraction of the evil influences of despotic government a portion of its efficacy commensurate with their scope and intensity, to have enough remaining to afford them all the positive aid which it is in the nature of currency to afford.

"Such is the alternative presented by the facts of the case, considered solely in itself, and with regard to one point,—the essential compatibility or incompatibility between a metallic currency and a flourishing state of industry, credit, and commerce. In this alternative, the judgment of the most pondering American citizen can experience but little hesitation. We may now compare the facts of this case with those of another, with a view to another point.

"In the one case we see a flourishing commerce, and that flourishing commerce, accompanied with an absolute exemption from monetary convulsions or disturbances of any kind or degree whatsoever, great or little, general or partial. In connexion with these two facts, we have, also, an exclusive metallic currency,—a despotic government with its countless influences, direct and indirect,—tropical productions,—tropical indolence of mind and of body, harmonizing with and augmenting the efficacy of all those influences of the government which have power deleteriously to affect industry, enterprise, or credit,—*roads* which, during a considerable portion of the year, are literally impassable, and, at their best, such that the most valuable products of the soil, after being manufactured, will scarcely bear the cost of a land carriage of fifty miles,—the *plough* in universal use, all over the country, from its remotest settlement to the fields under the very walls of the capital, such, that if a wagon-load of them were emptied out at the door of any backwoods settler in our country, they would not be deemed by him of any possible value, unless it were as firewood and old iron. These are a few of the particulars, whereof a much longer catalogue might be presented.

"In the other case we see a flourishing commerce also; but one which is as fitful as the other is steady, and is withal accompanied with a monetary disquiet, so constant that its hourly manifestations attract no more notice than the smoking of Vesuvius excites among the people of Naples; and which, every few years, displays itself in an appalling explosion that leaves no corner in the country unshaken. In connexion with these two facts, we have also a paper currency,—a democratic government,

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with its countless influences, direct and indirect,—productions of the temperate zone,—northern activity of mind and body, harmonizing with and augmenting the efficacy of all those influences of the government which have power favorably to affect industry, or enterprise, or credit,—roads, canals, railways, already covering the whole country like one vast net-work, reducing the fatigue of travelling to nothing, and the cost of transportation from one extremity of the Union to another to a mere song,—the *plough* every month adds some new perfection to, although it has long since done its work with all the nicety of a surgeon's instrument.

"Here, then, are two cases which present themselves for comparison. In each we see a flourishing commerce, which, in the one case, although it exhibits fits and starts, jerks and pauses, which are unseen in the other, may be said, in its average rate, to be about equal to the steady movement of the other. With the single exception of this one particular, however, the two cases present, in every respect, the most perfect contrast. The first point of contrast is the absolute exemption of the one from all monetary convulsions, disturbance, disorder, or disquiet; while, in the other, this evil never for an instant ceases to prevail, in a greater or a less degree, and periodically displays an intensity, the horrors of which can be likened to nothing but those suffered by a plague-stricken city. This difference must have a cause; and this cause cannot be looked for elsewhere than in some of the particulars, directly and intimately connected with industry and trade, in regard to which a manifest and striking difference exists between the two cases.

"Some of these points of difference I have just enumerated, each of which either comprehends, or belongs to, a class embracing an infinite number of others that must partake of the same nature: so that the enumeration, although not long, leaves little room for addition to its comprehensiveness.

"Can, then, the difference in regard to the entire absence of monetary disturbance from the one, and its eternal presence in the other, be traced to any of these as its cause?

"To begin at the bottom of the catalogue, can the cause be found in the difference which exists between the make of the plough in the two countries, or in any difference of which it affords an indication? If not there, can the cause be found in the difference between the means of transportation? Is there in impassable roads, or in aught resulting from them, or in aught of which they afford an indication, any virtue to secure a country against monetary disturbance? Or does it reside in tropical indolence of mind and body, as compared with northern activity of both? Or if not in that difference, can it be traced to sugar, coffee, and cigars, as compared with cotton, rice, flour, lumber, cod-fish, and chewing tobacco? If in none of these, perhaps it may exist in the superior excellence of a despotism, as compared with a free government? But this is a point, the discussion of which would be a hopeless matter with any American; and if it is irreverently passed over, nothing is left to rest upon except the conclusion, that the difference in question arises solely upon that which, in the nature of things, does and must exist between a *metallic* currency, which affords to every man the *real* use of money, thus inseparably attaching to every transaction all the safeguards naturally belonging to it; and a *paper* currency, which compels every man to content himself with the *verbal* use of money, and strips all the transactions of the community of the one and only element of safety in any, and of harmony amongst all.

Considered in itself, therefore, the case presented by the Island of Cuba affords conclusive proof, that an exclusively metallic currency is not only compatible with an eminently prosperous state of industry, credit, and commerce, but that it must necessarily exercise over them active influences of a preëminently salutary character.

"Compared with the case presented by our country, the two afford proof of another truth of no small moment, to wit: that even when counteracted by influences the most adverse, the salutary efficacy of a metallic currency is still so potent as to afford a perfect and absolute security against monetary convulsions or disorders; ren-

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dering their spontaneous occurrence at home, or their introduction from abroad equally impossible.

"Nor is it undeserving of mention, that the metallic currency which here affords such manifestations of the influences inseparable from its nature is far from being a perfect one. It consists of the gold ounce and its fractions, half, quarter, and eighth, at the arbitrary value of seventeen dollars; while the silver in circulation consists altogether of the two lowest silver fractions of the dollar, the eighth and the sixteenth in the small quantities requisite for making change: and beyond this, of the *pesets* of Seville, at the arbitrary value of four to the dollar, while their real value is of five; so that in the purchases, which occur at every instant, to the amount of the lowest coin in circulation, the purchaser, if he has not that coin about him, gives a peseta and receives his purchase, together with change to the same identical amount, almost, as that of the peseta. Disadvantages of the same nature attend every exchange of a gold piece for pesetas; and others of a more serious character are silently but more surely working their appropriate effects.

"But, notwithstanding these imperfections, it has sufficed to exercise the influences above described; and with regard to it merely as a circulating medium, for the hourly purposes of society, I have never, in a single instance, experienced or witnessed the slightest detention in making change; nor have I ever heard any inconvenience of any kind mentioned in connexion with it, by resident, or by traveller from any part of the globe. On the other hand, I do not recollect to have met with one who had visited our country, who, however agreeable all his other recollections might be, did not speak with the deepest disgust of our 'shocking' currency."

For the purpose of throwing additional light upon the subject we subjoin an extract from a recent letter from the most unquestionable mercantile authority, relative to the currency of Brazil, upon which some remarks were made in our third Article on the production and manufacture of cotton, in our Number of last June.

"The wretched state of the finances of our country has been for many years a source of great anxiety to people engaged in the Brazil trade, and unless speedy measures are adopted by the Legislature I see no chance of immediate improvement.—It is true the country possesses immense resources, if properly called forth, and well managed by government, but in all young countries there is too much competition for power, to admit of much unity of purpose on the part of the representatives of the people, and hence it is that hitherto so little has been done in Brazil to improve the circulating medium. Our currency consists entirely of paper and copper, and its amount, in round numbers, is about 40,000,000 milreas, or, at the exchange of 40d. the milrea, to £6,666,666 sterling. This sum is not by any means too much for the necessities of business, but it wants the desirable attribute of being convertible into precious metals at the will of the holder, which is the only sure foundation for a paper currency."

The artifice has often been repeated by those who have determined to destroy the successful exercise of the great principle of self-government, to push its doctrines to the extreme of licentiousness in order to create the necessity for placing political power in arbitrary and irresponsible hands. This was done with great effect in France during the disorders brought upon that nation by mistaken policy with regard to currency at two periods,—first while Louis XVI. was on the throne, which led to his decapitation—and again during the Republic, which led to the despotism of Napoleon. In our own country we have lately seen a class of politicians whose principles and practice, whenever they have been able

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to employ either, have invariably led to the regulation by the General Government of the paper currency—all at once denouncing any restraints upon the issue and universal receipt of paper, by whomsoever manufactured, in payment for public taxes, and accusing those who, like ourselves, have advocated a fixed and settled measure of value, of being favorable to the interference of the Government with paper currency. We are wholly opposed to such interference. We think, however, that the means of protection to the community through the judicial tribunals should be afforded against the excess of paper currency becoming an engine of fraud, like false weights and measures. An efficient bankrupt law for the manufacturers of paper currency would soon put a stop to the profligate expansions and contractions which have so often overwhelmed all classes of the community in unexpected embarrassment. Individuals, before entering into contracts, to be performed at future periods, might be able, were such a law in operation, to calculate with some precision the amount of property which would be required to fulfil them. For want of this regulation of the system, the power of individuals to meet their obligations wholly depends upon the erratic movements of the makers of paper currency. If it suits their purposes to make currency plentiful, property is sold at enormous nominal prices, and debts are paid at half their intrinsic values, compared with the value of property when they were contracted. But, on the other hand, should the paper coiners determine to create a panic, for the purpose of raising excitement against the Government, or for increasing their own profits, they have only to suddenly restrict their issues, require their customers to pay up their notes, and the whole community is at once convulsed with distress, from the sacrifices of property which become compulsory upon those who wish to preserve their own credit and that of their sureties.

This mode of preventing these evils has the authority of the most distinguished financiers this country has ever produced in its favor. In view of the manifold evils in which the commerce and industry of the country were involved by the profligacy of banks, Mr. Dallas in 1815, and Mr. Crawford in 1821, while respectively at the head of the public finances, explicitly recommended to Congress to subject the banks to the penalties of an efficient bankrupt law, as the only adequate restraint upon issues of paper, which had at those periods involved the whole country in embarrassment. Neither of these distinguished statesmen was inimical to banks acting within their proper sphere. They regarded this measure as essential to protect the well managed banks from the profligacy of those conducted by gamblers and speculators. From the combinations clearly manifested in various quarters, at this time, the necessity for this check is daily becoming more urgent.

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One of the greatest lights of the present age—who is generally admitted both in Europe and in this country to be one of the most powerful and brilliant writers that America has ever produced*—within a few years past has published an essay upon the injurious effects, upon the welfare of society, of the universal rage for associations which has lately developed itself. He appears to regard the Temperance Societies, Anti-Slavery Societies, Missionary Societies, and all that infinite catalogue of machinery put into operation for the ostensible purpose of improving the condition of mankind, as threatening greater danger to the freedom of our political institutions than standing armies. A system of self-government can only be maintained among a people accustomed to independence of thought and action, and deeply impressed with the responsibilities of individual decision. Societies, whose ramifications extend from a great centre into every village, and which are wholly controlled by a few individuals, become in effect but so many seminaries for systematically teaching multitudes to submit themselves to the implicit management of designing leaders.

If such be the operation of societies formed for benevolent purposes, what must be the consequence of associations entered into for the express design of concentrating and gratifying the love of gain? The selfish passions are sufficiently ardent in most men. They require no additional stimulus to increase their intensity. Their means of gratification may indeed be extended by machinery for obtaining the control over the opinions and conduct of those who are intended to be made victims. This effect has been witnessed on a vast organized scale in this country, within the last two or three years. We have seen the industrial and commercial interests excited to a degree little short of absolute delirium, and then paralyzed at once. We have also seen the individual at the head of the institution by the management of which these results of combined action were produced, publicly declare to an outraged community his determination to keep the productive interests in a state of depression until the people should be compelled by their sufferings to change their political agents.

Whatever invidious appeals are made to the cupidity of unreflecting men, it is impossible that such management should be long sustained by the intelligent part of the community. Those who suppose that its aggravations in a tenfold degree—through the banishment of all specie from the country by the universal substitution of a measure of value which costs nothing, and which by its abundance loses its quality of a measure—will be sanctioned, have greatly underrated the discernment as well as the sense of justice which prevails among our citizens. Luxury and corruption may have debased some of them; but the great mass of the people are too

* Dr. Channing.

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well apprised of their true and permanent interests, and of the value of their hard-earned property to suffer them to be sported with by gamblers. The welfare of posterity is too dear to our citizens to suffer the overthrow of our political institutions and the moral feelings which are their main support, merely for the sake of aggrandizing a few speculators by the unlimited issue of paper-currency freed from all efficient obligations for its redemption.

As the most appropriate close to these suggestions, we propose to insert an elucidation which will satisfy every impartial mind how little of originality or ingenuity have been manifested in the management of the banks of this country. Much has been said of great modern improvements in the science of currency. It will be seen that the author of the SYSTEM from which the "credit system" derived its name, was as fully aware of these advantages as any of his present disciples. We take the account which forms the succeeding Article to the present paper, from a work of deservedly high European reputation which is but little known in this country, Storch's "*Exposition des principes qui déterminent la prosperité des nations,*" which was prepared for the instruction of the present Emperor of Russia and his brothers. It is translated from the fourth volume of the Paris edition of 1823, beginning at the 130th page.

LAW'S SYSTEM OF FINANCE.

In the course of the eighteenth century, the French nation have been twice the victims of paper money—originally under the regency of the Duke of Orleans by the famous *System of Law*—afterwards during the Revolution, by the *Assignats*.

The history of the *system* comprehends so great a number of facts, and these facts are so complicated, that it is exceedingly difficult to find a clue which shall carry us through this labyrinth: but as it is less important for you to know the historical detail of the system, than to appreciate its spirit and understand its consequences, I shall confine myself to those circumstances alone which possess interest in this point of view, and overlook every thing which is not indispensable for this object, however otherwise curious.

France at the death of Louis XIV. found herself burdened with a public debt of three thousand one hundred and eleven millions livres tournois, bearing an interest of eighty-six millions. There was nothing to meet this debt but the excess of the revenue beyond the ordinary expenditure in time of peace; which excess was but nine millions. The Regent established a Commission, the *Visa*, which by operations the most arbitrary reduced the principal of the debt to two thousand millions, and the interest to eighty. The Government, however, was in no better condition to pay the pay the debt thus reduced, than it had been able to meet it before the reduction.

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At this crisis, Law, a Scotchman by birth, presented to the Regent a scheme to liberate the State from the burthen of this immense debt by means of CREDIT, and without injury to the interests of any one. Before entering upon the details of this scheme and its execution, it is necessary to explain the principles of its author in relation to the nature and effect of CREDIT. This explanation becomes the more important, since the notions of Law on this subject are yet widely spread, and a vast number of persons of every rank still entertain the erroneous principles of this famous system, although they profess the greatest horror for the consequences which flow from it.

Currency, said Law, and so say his disciples of the present day, is but the sign which represents wealth in circulation. Gold, silver, brass, leather, notes, shells, and all other materials which we use as the measure of actual wealth, become wealth, by that confidence or opinion which we call *credit*. A Louisd'or and a crown piece are but notes upon which the effigy of the prince is the signature, and as things only receive value by the uses for which they are employed, it is perfectly indifferent whether a Louisd'or, or a note for that sum, or even shells, are employed to represent all other values.

Is it necessary, my Lords, to refute this sophism? You perceive that Law places metallic currency upon the same footing with fictitious or conventional currency. But there is this radical difference between them—the one has a direct, necessary, and essential value, while the other possesses neither. Hence the former is not simply a sign, but is real wealth, while the latter on the contrary is nothing but a sign. Metallic currency needs neither confidence nor credit to maintain its value, because it of itself is wealth; but fictitious currency only exists by credit—that is, by the belief that it may be exchanged for metallic currency or for other actual wealth. Things no doubt receive their value only from the uses to which they are destined; but metallic currency possesses double uses—that of answering for money, and that of being employed as important and precious materials—while fictitious currency can be used for no purpose whatever but currency.

Besides, gold and silver are not to be obtained but by long and painful labor, which must require great expense of production. The materials for ficticious currency on the other hand employ nearly no labor whatever, and of course the quantity may be augmented at pleasure. Finally, the value of gold and silver is stable, at whatever rate their value may be fixed, while that of paper changes with popular caprice. It is not, therefore, perfectly indifferent, as Law maintained, whether we use Louisd'ors, or notes, for the purpose of representing all other values.

Law, having taken as the foundation of his *system*, the false principle we have just examined, found himself carried into the most absurd consequences. In any country, said he, where no currency exists excepting gold and silver, wealth may be augmented by introducing paper money. This consequence, true in a certain sense to a limited extent, he assumed to be universal in its widest sense. You have seen, my Lords, that paper money can never increase national wealth but by supplying the place of the metallic currency which, relieved from its use as money, shall become employed for other objects, or be exchanged against other wealth. Law on the contrary supposed that metallic currency, after paper money should be brought into general use, would continue to circulate as money; he did not apprehend that too much currency could exist in any country; or that the abundance of paper would expel its specie; or that paper augmented beyond the wants of circulation would lose its value. He thought that the increase of currency could have no other effect than to lessen the rate of interest, and that it would be absorbed by the encouragement it would give to industry, and in this light saw in the profusion of paper money nothing but the means of public prosperity. But the rate of interest, as you are aware, never depends upon the quantity of money in circulation, nor does the abundance of currency promote industry, excepting where it may be transferred into capital.

In a State, said Law, where the people have not been accustomed to credit (as

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was the case in France at the epoch of the *system*) it is necessary at once to double the amount of currency, by adding to its specie an equal value in notes. The credit should not exceed the amount of the specie, in order that the notes may be always convertible into specie at the will of individual holders. I will not remind you, my Lords, that in doubling the currency by emission of paper money, its value cannot be doubled, for this measure will only expel the specie from circulation. But we will suppose for a moment that the specie may circulate concurrently with the paper money, and that neither will lose its value—still it does not follow that the notes will be always convertible into specie at the pleasure of their holders. Upon what funds shall they be assigned for redemption? Upon the whole metallic currency of the nation. But is this currency in the possession of the bank which issues the notes? No—nor even the public revenues levied for other objects which form so small a portion of it. Will every individual in the nation agree, that his money shall be pledged for the credit of the bank, and be employed to redeem its notes in case of need? No. The credit of the notes must therefore be destitute of foundation—they cannot be convertible—that is to say, this credit cannot exist. The currency of any nation can never become pledged for the redemption of the notes which either its sovereign or any bank may issue. Such pledge can only be redeemed by the treasury of the sovereign or by the coffers of the bank, otherwise it is wholly illusory.

But this credit, said Law, will be rather a multiplication of specie than credit, since it will consist in the excess of notes beyond specie, and the advantages we seek can only be found in this excess. The absurdity of this doctrine is too palpable to require exposure. You perceive that Law regarded the whole nation as a banking association, and his reasoning was something like this—Since a bank may venture to issue its notes to the extent of its metallic funds without hazarding its solvency, a whole nation may do the same thing. It has only to establish a bank, transport thither the whole currency of the people, and supply its place with notes. This scheme, chimerical and gigantic as it was, did not appear so to Law and the Regent. They believed its execution possible, and they undertook it.

In 1716, Law established his famous *system* by a bank of circulation, for which he had procured the privilege from the government. The funds of this bank were obtained by shares, and its notes were payable at sight in specie of the *same weight and denomination* as the money then in circulation. This clause made them sought for. From 1689, the money of France had undergone continual alterations. The clause in the bank notes protected their holders against such arbitrary proceedings; and as the bank executed its promise, this soon gave them a preference above specie, and they bore a premium of one per cent. above metallic money. The good management of the bank in the issue of its paper, its fidelity in performing its engagements, and finally the general want of credit, gave it universal confidence and inclined the whole nation to regard its founder as a man of extraordinary genius, capable of reviving the credit and commerce of France, which at that epoch were in a most languishing condition.

The following year, 1717, Law procured to be assigned to him the exclusive privilege of a commercial company, established under Richelieu, called the *Company of the West*, or of the West Indies, which had been long prostrate. The bank created two hundred thousand shares of five hundred livres each, payable in the obligations of the state, upon which the Government stipulated to pay a perpetual interest at 4 per cent. This was a mode of absorbing one hundred millions of the most depreciated of the public paper—but this paper could not form the capital in a commercial enterprise. From the failure of the payment of the interest, its price had fallen so much, that five hundred livres of its nominal value could only be sold for one hundred and sixty, or one hundred and seventy livres; yet the bank received it at its face. Besides, this combination of banking operations with commercial speculations, was essentially vicious. These two descriptions of business are absolutely incompatible in their nature. The hazards incident to commerce, must compromit that cer-

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tainty which is indispensable for the advantage of a bank; and at any rate must weaken its credit. A bank of circulation maintains its credit, only by holding funds sufficient for the redemption of its notes, under the belief that it will not issue notes except upon assured values which are sufficient to pay them. But whenever any bank issues notes for the purpose of carrying on commercial enterprises, often unfortunate and uncertain, these notes resting upon a doubtful pledge must place its credit in a condition of uncertainty.

No one, however, was influenced by the danger or the vices which this union of two kinds of business must produce upon the operations of the bank. On the one hand, the French were far from possessing precise notions of the nature and constitution of banks—and on the other, the confidence which they reposed in the abilities of Law blinded them. This confidence was increased by a circumstance purely accidental—the interest upon the one hundred millions of the obligations of the State, which the bank had acquired by the sale of its shares, being more regularly paid to the bank than it had been to the individual holders, these shares which had been bought for one third part of their nominal value soon rose to par. The investment of this portion of the paper of the State, at a rate so advantageous to its holders, gave a new value to that which remained. This effect was wholly attributed to the operations of Law, since to him alone it was owing that the interest was regularly paid. The French, astonished at the sudden rise of this depreciated paper, exclaimed that a miracle had been performed; their illusion kept no bounds, and henceforward, the most puerile confidence was placed in all the mystifications which this cunning charlatan invented for them.

The Regent having seen that the notes of the bank were sought with avidity, and that great quantities of specie were carried to the bank to be exchanged for them, it was easy for Law to persuade him that he could draw thither the whole currency, and replace it throughout the kingdom by an equal amount in paper; that he would be able by this means to pay off nearly half the national debt; and that the credit of the bank would be perfectly sustained by its paying such notes in specie as should be returned for that purpose. In consequence of this extravagant project, the bank was taken on the account of the King, on the first of January, 1719. The Regent paid off the share-holders, took the establishment into his hands, and called it the Royal Bank.

Up to this time its notes had been paid at sight. Though they hoped to be able to continue this payment, notwithstanding the immense extension which had been made to what Law called *credit*, they nevertheless took precautions for the possibility of the failure of such payment. The notes which were issued by the Royal Bank contained no promise to pay in specie of the same weight and denomination as that in circulation, but only to pay in *money*. This alteration, so trifling in appearance, was fundamental. The original notes stipulated for that fixed quantity of specie which was known by the denomination of *Livre*, at the date of their issue. The subsequent notes only stipulating for *livres*, allowed for any change which arbitrary power might choose to introduce into the actual value of what was called a *livre*. This alteration was professed to be made to *establish* the value of paper-money—but, on the contrary, its value was thus rendered deplorably uncertain.

In procuring the bank to be declared a royal establishment, Law flattered himself that the public would continue to bring thither specie for the purpose of exchange of its notes—but this expectation failed. Whether the tenor of the new notes induced distrust, or the channels of its operation had become full, the demand for notes ceased, and Law found himself obliged to change his tactics for drawing specie to the bank, as well as to sustain the circulation of its notes, of which he intended to issue such immense amounts.

He accordingly concerted with the Regent another scheme for assuming the debts of the State—a scheme of banking and brokerage the most extravagant and criminal that the world has ever witnessed. Two great methods presented themselves to his imagination for sustaining the credit of the notes even in the midst of the vast issues.

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The first was to insensibly change the bank-notes into a true and irredeemable paper-money. For this object they undertook to give a preëminence to paper above specie, by declaring the value of the former fixed and immutable, while the other, by continual and arbitrary changes, should be made of uncertain and variable value; to require the payment of all taxes in bank-notes; to introduce them by degrees into all transactions; and, finally, to proscribe the use of specie entirely as soon as the nation should become sufficiently disgusted with its use. The second method was to arrange an investment for the immense sums of paper which the reimbursement of the creditors of the State would throw into circulation; to offer to its holders an apparently lucrative employment for this paper, in order to prevent its return to the bank to be exchanged for specie. It was with this design that Law undertook to unite with the Company of the West, of which he still held the control, several other commercial and financial enterprizes, which should form a single colossal establishment, of which he created shares to an amount equalling the whole of the public debt. The Regent undertook to purchase these shares with the paper-money of the bank, then to borrow this paper for the purpose of paying the public creditors; and finally, to sell the shares, in order to withdraw the paper-money from circulation.

This plan promised far greater success than the first. The combination of a great number of lucrative enterprises, under the direction of a man whose knowledge and talents inspired the highest confidence, would naturally give the most elevated views of the profit to be realized by the company, and cause its shares to be eagerly sought. The Government, by appearing to participate in these advantages, encouraged these views; and as the company made no objection against accepting of the Government bank-notes in payment for shares, this manœuvre gave increased credit to paper-money. Had the scheme succeeded, the State would have been freed at once from its immense debt, excepting the interest payable to the company; and its creditors, become share-holders of the company, would have followed its fortune. Hence the object of the system was not only to inundate the kingdom with paper-money, but to relieve the State from its debts, and transfer them to the company, that is, to change fixed capital into a hazardous stock, and settled incomes into those which were uncertain.

After having settled this plan, they immediately devoted themselves to its accomplishment. In May, 1719, the *East India Company*, also founded by Richelieu, and equally languishing with that of the *West Indies*, was incorporated with the latter, under the name of the *Company of the Indies;* fifty thousand new shares were created, of five hundred and fifty livres each, payable in specie. These shares, in fact, were an obligation upon the company for only five hundred livres each, like those previously issued, but the public had become so fully impressed with the enormous profits which would be realized, that shares were sold at a much higher price. The sum realized from the sale of these fifty thousand shares, realized twenty-seven millions five hundred thousand livres in specie, a very small portion of which was applied to the construction of a few vessels. These trifling preparations increased the hopes of the public to such a degree, that they clamored for more shares, and a month afterwards fifty thousand more were created, which readily sold at one thousand livres each.

The Government omitted no step which would infuse into the nation an exalted notion of the profits to be exalted by the company. It had already purchased, the preceding year, the tobacco monopoly; the Regent now conveyed to it the exclusive right of coinage for fifty millions of livres; he assigned to it the collection of the indirect taxes, upon condition that it should loan to the King, whenever required, the immense amount of sixteen millions of livres, at three per cent. interest; and finally, the company obtained the general collection of all the revenues of the State. It then declared to its share-holders that it was able and ready to pay a dividend of two hundred livres upon each share. As at the time the rate of interest was four per cent., this dividend was equivalent to the interest of a capital of five thousand livres, supposing such dividend to be assured and permanent; and as the public entertained

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no doubt, either as to the certainty or permanence of this dividend, the price of shares rose to five thousand livres.

The original share-holders, who better understood the true condition of the company than the others, endeavoured to make their fortunes solid by selling a portion of their shares, and employing the proceeds in the purchase of real estate and other property. The opulence so suddenly acquired by these share-holders held out new seductions to the public. Every body rushed to buy shares; a general delirium pervaded the whole country; all professions were at once abandoned for the business of brokerage; the people of the provinces, and strangers from other countries, all flocked to Paris to enrich themselves by the traffic of shares. This traffic opened the door to immediate opulence; the brokers continually excited variations in the price of shares; and by skilfully availing themselves of these variations, for purchase at one moment and sale at the next, individuals the most obscure and miserable in the whole community rapidly acquired the most brilliant fortunes.

The shares having been issued at four successive periods to their full number, namely, six hundred and twenty-four thousand, the King directed the creditors of the State to be paid in notes of the Bank. Such immense sums were at once thrown into circulation that they could not have been employed but by the purchase of shares; thus the public creditors were in a great measure compelled to employ these notes in this mode. In consequence of the plentifulness of paper by this concurrence, the price of shares rose to ten thousand livres.

The creditors of the State found themselves led by the manœuvres of Law to the pitch of paying ten thousand livres per share in the Company of the Indies, if they wished to realize any revenue. But what was a share? It was a portion of capital hazarded in a commercial enterprize, and was entitled to a determined part of the uncertain profits of this enterprize. Nothing could be less solid than a share in an infant company. These shares were originally five hundred livres each, and could not produce more than twenty livres per year. The *system* had induced the public creditor to exchange a debt of ten thousand livres for a share of five hundred livres—for an investment which could not produce more than twenty livres annually, admitting that the net profits of the company would regularly reach twelve million four hundred and eighty thousand livres every year. The company, in fact, had promised a dividend annually of two hundred livres on each share, but taking this promise to have been serious and practicable in performance, it inevitably resulted that the public creditor who employed ten thousand livres in the purchase of a share, lost one-half of his revenue. But where were the company to find every year one hundred and twenty-six millions eight hundred thousand livres for their dividend on six hundred and twenty-four thousand shares? This undertaking was so much beyond its power, that even the apologists of the *system* could not sustain it.

It is therefore obvious that the *system* contemplated the relief of the State from its debts by the ruin of its creditors. The higher the price of the shares the greater amount of public debt was absorbed in a share; hence the excessive price to which the shares were enhanced was a part of Law's plan. But from the enormous elevation of price to which the shares were raised, a circumstance resulted which alone brought on the downfal of the *system*; this was the prodigious gain of the original share-holders. It was natural that they should endeavour to realize the gifts which fortune had showered upon them. The great number of shares sold by the holders lessened their price, and made the company, or the Regent, unwilling to sell more. The Bank soon felt the consequences of this check. Immense crowds rushed to it for the purpose of getting gold and silver for the notes.

In this crisis Law determined to adopt the most violent means to save his *system*; that is, to fill the empty coffers of the Bank, and to force the currency of its notes. By his advice the Government affected to hold specie in the greatest contempt. It not only permitted, but in effect ordered its transportation from the kingdom. It prohibited the importation of gold and silver coin and bullion. It directed the Bank to receive neither in exchange for notes. All creditors were permitted to require

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their debtors to make payment in notes, even where the latter might gain by paying in specie. The company were held to discharge in notes their various payments on public account, in order that they might require from consumers and others payment in notes. Legal tenders of payment which had not been offered in notes were declared void. Small notes were introduced, and finally, to debase specie, and to wean the nation from its use as currency, a new coinage was ordered of less weight and value than the former. Paper currency was legally fixed at a value of five per cent. above specie, and it was ordered that the latter should neither be offered nor received in payment—silver for larger sums than ten livres—gold for three hundred livres, and that all bills of exchange should be paid in notes. Changes in the value of money succeeded each other with inconceivable rapidity; the name of *livre* was given successively to a twenty-eighth, a fortieth, a sixtieth, an eightieth, an one hundred and twentieth, a seventieth, and a sixty-fifth, part of a mark of fine silver. Law did not produce these convulsive movements in the value of specie so much to fill the coffers of the Bank, as for a precaution to individuals who, having enriched themselves by the *system*, now run upon it with as much zeal as they had before encouraged confidence in it. He contrived so many plans to establish a preference for notes over gold and silver, only that he might wholly interdict the use of these two metals. This was done by the arrêt of the twentieth of February, 1720.

It was ordered by this celebrated arrêt, that no individual of whatever condition, nor any religious community, should keep more than five hundred livres in specie, under the pain of confiscation of all above that sum, besides a fine of ten thousand livres. All persons were also prohibited, under a similar penalty, from having in possession any gold or silver bullion, or plate. Injunctions were issued to all officers of justice, to enter into all houses, establishments and privileged places, even into the royal palaces, for the purpose of examination; and the king declared all specie and materials of gold and silver seized therein, to be confiscated for the profit of the informers. Finally, it prohibited, under the penalty of three thousand livres, any payment, for a sum above one hundred livres, to be made in any currency excepting bank notes.

The novelty and rigor of such a law spread alarm throughout the nation. Several induced by fear carried to the bank the gold and silver in their possession; others, and a greater number, hazarded disobedience. Searches were made, however in all houses; informers were encouraged, domestics became formidable to their masters, brothers suspected brothers, and even fathers their sons, distrust invaded the family union, and citizens watched each other. Terror was increased by condemnation. During an interval of three weeks, the bank received nearly forty-four millions; but its coffers were like the buckets of the Danaides—it was impossible to fill them. The declaration of the eleventh of March, 1720, wholly proscribed the use of gold as currency, as well as silver crowns, and reduced the specie in circulation exclusively to small change.

Between the first of January, 1719, and the twentieth of May, 1720, within the short space of five hundred and five days, the bank had issued notes for the immense sum of two thousand two hundred and thirty-five millions, with which the creditors of the State had been paid. The consequences of this unheard of abuse of paper-money were not immediately perceived, because, throughout the whole year 1719, the issues had been moderate; but when in four months of 1720, the sum of one thousand nine hundred and twenty-five millions was manufactured at once, nothing could arrest their decline. Sound currency wholly disappeared. Paper-money which alone remained in circulation, and with which all channels were inundated, because depreciated; the price of every thing was enhanced from day to day in a frightful progression. The Government at last understood, that too much extension had been given to what Law termed *credit*. He perceived, that to retrieve the value of paper, it was necessary to diminish the amount; but as he neither possessed the desire, nor the means of redeeming it, he contented himself with reducing its nominal value one half. The arrêt of the twenty-first of May, which ordered this reduction, was the de-

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cree of death to the whole *system*; the public at once saw that property in paper-money was wholly precarious and illusory, and from the next day every body refused it at any rate.

The Regent, seeing the melancholy result of this arrêt, revoked it six days afterwards; he enhanced the nominal value of specie, and reëstablished that of notes—but these measures had become futile. The depreciation of the notes became such, that the holders accepted the offer of the Government, to pay interest on one half of their nominal amount. The overthrow of the bank crushed in its fall all individuals who had connected their affairs with its operations; besides this bankruptcy cost the public creditors an annual amount of interest of more than forty-four millions, and a capital of more than eight hundred and forty-four millions and an half.

If the credit of bank notes could not be sustained, it was yet worse as to the shares. Their value could not be legally fixed, and in addition to this, the king was bound by no guaranty for them, as he was for the notes. The dividend on the shares, uncertain in its nature, depended upon the success of a staggering company, which had undertaken operations too vast and dangerous to afford real and solid profits. Hence the fall of the shares was greater and more rapid than that of notes.

What pen could succeed in describing the ruin and disorder of France on the flight of Law? Gold and silver was either concealed, or had been carried abroad. Dutot himself acknowledges, that he had carried more than five hundred millions out of the kingdom, at sixty-five livres per mark; but when the decline of bank notes and shares became public—when even nine thousand livres of paper were paid for a mark of gold, how much was then transported abroad? A mere cashier of the company remitted twenty millions of florins to Holland, and left the kingdom!

All public and private credit was annihilated; distrust became the greater, since individuals were reciprocally ignorant of the condition of each others' property. It was well known that the greater number were wholly ruined, but it was impossible to distinguish those who had the good fortune to escape in this general shipwreck. The price of the necessaries of life were tripled and quadrupled; it was no longer possible for those who lived upon interest money, pensions, or fixed income of any kind, to exist without invading their capitals. Artizans were without work—manufactures and commerce prostrated—interest, dividends, wages and pensions were not paid—every class of society was made to suffer the evils of actual poverty, while a small number were overgorged with wealth.

The condition of the public finances was not less deplorable. There was not a farthing in the public chests. The king was without revenue, and all the public resources for a long period in advance had been wholly dissipated. Hence, although the present was horrible, the future appeared still more frightful. The discharge of debtors was the only benefit which the *system* had produced—but this had brought ruin upon creditors, and impoverishment upon the whole kingdom. *These consequences of the* SYSTEM *enlightened the French as to the nature and consequences of paper-money.*

STANZAS,

ON HEARING AN OLD REMEMBERED SONG.

Oh, sing not to the exile's ear,
  And deem to soothe his bitter doom,
The music he once loved to hear
  Within his childhood's blessed home,—

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Nor in the captive's dreary cell,
  Songs of bright sunshine, birds and flowers,
Of joys that once could charm so well
  His happy freedom's vanish'd hours.
    Then breathe no more that strain to me,
      Tho' sweet as perfum'd zephyr's sigh,
    Each note hath its own memory,
      That dims with saddest tear mine eye.

Yet dear, tho' keen, that tender pang
  The exile's lonely heart that wrings,
When the wild air his brothers sang
  Some stranger's careless accent sings.
And still such song the captive loves,
  And listening half forgets his chain,
Till, music-led, his spirit roves,
  In joy and freedom forth again.
    Then breathe once more that strain to me,
      'Tis sweet as perfum'd zephyr's sigh,
    Dear still each waken'd memory,
      Tho' saddest tear may dim mine eye!

SONNET.

TO A LADY.

Thou fair Enigma!—at thy joyous speech,
  Thy laughing eye and all thy winning ways,
I feel too well the potent charm with which
  Delightful, dear, provoking woman sways
Our hearts:—but when before my raptured gaze
  Thy pure blood mantles through the purer snow,
And from those lips grave thoughts of solemn praise
  And heavenly pensive contemplation flow,
I half believe some cherub here below
  Comes heaven-directed from a holier sphere.
Oh Syren Seraph! deign to let us know,
  What art thou, and what homage suits thee here?
Maiden or Saint? Inform us, I implore thee,—
And whether we must love thee or adore thee. E.

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A SHORT NOTICE OF THE ATTACK UPON COLONEL DUANE IN DAVIS'S "MEMOIRS OF BURR."

[The following paper has been handed to us, from a quarter in which a keen sensibility on the subject was to have been expected, that we might do the justice to the memory of Col. Duane required by the attack upon it, which is here repelled. Without making the book alluded to the subject of another Article, we simply publish the paper in the form in which handed to us, referring the reader desirous of a more full explanation of the subject-matter to which it relates, to the Review of Davis's Life of Burr, in our Number of January, 1838.]

Matthew L. Davis, the author of the "Memoirs of Aaron Burr," has introduced in the Second Volume of that work (page 85, &c.,) an attack upon the late Col. Duane, of Philadelphia, Editor of the Aurora. The charge which he brings forward is briefly this, that "while *publicly* giving currency to" what Matthew L. Davis is pleased to call "calumnies," in relation to Aaron Burr's conduct in suppressing Wood's History of John Adams' Administration, "Mr. Duane was privately writing [to] Colonel Burr, and approving of his conduct in suppressing the work."

To make out the first branch of his statement, that of publicly giving currency to calumnious attacks upon the Vice President, in reference to this suppression, Matthew L. Davis refers particularly to three articles in the Aurora, and concludes with a sweeping charge, which I shall notice presently.

"On the twenty-seventh of February, (says Matthew L. Davis,) the Editor of the Aurora, in his paper, states that a curious fact has lately been brought to light in New York; that Wood had completed his engagement with Ward C. Barlas to furnish a history of John Adams' Administration; and that 1,250 copies were printed, but suppressed at the desire of some person. Mr. Duane then animadverts with harshness, and expresses a wish to get a clew to the names of the person or persons who suppressed the work."

This is all true; but where is the attack upon Aaron Burr? He is not once mentioned or alluded to in the whole article; on the contrary, the question is asked, "has the work been suppressed by the influence of the late Administration?"

Matthew L. Davis continues: "On the thirty-first of May, 1802, the Aurora states, that the American Citizen and the Evening Post have commenced a warfare, of which Mr. Burr is the object; that the principal matter of charge is the suppression of Wood's History of John Adams' Administration, and then adds: We are fully possessed of one side of the subject, and have perused the suppressed book attentively."

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Here, again, there is nothing like an attack upon Mr. Burr. The article concludes thus:

"We are always cautious of every thing leading to political division; and we cannot suffer ourselves to believe that Mr. Burr has thrown himself at the feet of Alexander Hamilton; we confide much in his understanding as well as in his pride; the defence of him by Hamilton's paper is sufficiently humiliating, and must have been so calculated; *we shall not give Mr. Burr up upon these grounds; we shall wait for better information.*"

Such language it is difficult to distort into a calumnious attack! Matthew L. Davis then proceeds to give a third quotation from the Aurora. On the twelfth of July, 1802, the Aurora says: "So far as it relates to Mr. Burr, my opinions have been uniform and reiterated to his particular friends, that if the motives for the suppression of the book were not *satisfactorily explained to the public*, his standing with the republican interest was gone."

Thus does Matthew L. Davis quote from the Aurora of the twelfth of July, 1802, but not thus ran the original, which was as follows:

"So far as relates to Mr. Burr, my opinions have been uniform FROM THE FIRST BLUSH OF THE TRANSACTION; NOT A HIDDEN, SOPHISTICAL OPINION, BUT DECLARED TO HIMSELF, and reiterated to his particular friends, that if the motives for the suppression of the book were not satisfactorily explained to the public, his standing with the republican interest was gone."

What shall we think of a man aspiring to the dignity of a biographer, who can descend to such baseness as this? He charges Colonel Duane with writing to Colonel Burr approving of his conduct, and, at the same time, attacking him in his paper; and he garbles an article in the Aurora, which, when printed as in the original, states that the opinions therein maintained had been communicated to Colonel Burr! To have copied the original correctly, would have overthrown Matthew L. Davis's whole attack, and he therefore *garbled* it to suit his own purpose. Whether this developement "will or will not add to his FAME the reader must determine."

And then our veracious biographer (biographer worthy of his hero) goes on to say: "During the period between February and July, 1802, the Aurora reprinted the slanders of Cheetham against Mr. Burr in relation to the suppressed book, and continued, from time to time, his own attacks upon the Vice President."

A careful examination of the file of the Aurora from February to July, 1802, has enabled me to discover no "slander of Cheetham against Mr. Burr," unless a letter from Baltimore to the Editor of the American Citizen in relation to the suppression, written in a temperate and argumentative style, copied in the Aurora of June nineteenth, can properly be so called; nor any attacks "from time to time" from the Editor of the Aurora, with the single exception of a paragraph in the paper of June sixteenth.

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If Matthew L. Davis has in his possession other letters from Col. Duane to the Vice President, as would seem likely from the remark with which he introduces the one he publishes, he has the means of learning whether they contain the opinion of Colonel Duane, that Mr. Burr should explain satisfactorily his motive for suppressing Wood's History, but such a step as the publication of such letters would not have answered Matthew L. Davis's object. He preferred the shorter and more summary method of mutilating a newspaper article to attain his end. Of the weight to be attached to any statement of so faithful a biographer, it is unnecessary to speak.

D.

PHILADELPHIA, *November*, 1838

KNOW'ST THOU THE HARP.

Know'st thou the Harp whose tuneful tone
  Sleeps silent, hush'd, and all but dead—
Whose voice to echo is unknown—
  From which song seems for ever fled,
Until some kindred spirit stealing
  Over its mute and joyless strings,
Wakes all it has of life or feeling,
  And forth its buried music brings?

Like to that Harp, within this breast
  All song had slept so long unwoke,
That I had deemed no more its rest
  On earth by mortal could be broke,
'Till thy sweet image gently wound
  Its magic influence round my soul,
And forth the long forgotten sound
  Again in rugged cadence stole.

And ever since my musings borrow
  All they possess of melody—
Whether they breathe of joy or sorrow,
  Or bright and buoyant hope—from thee.
For like those flowers which, as they wave,
  Perfume the passing wind along,
Thou to my thoughts their richness gave,
  And all its sweetness to my song.

E. B. O.

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THE ANNIVERSARY.

AN ELEGY.

A year—and shall it be forgot
  That Freedom weeps her champion's fall,
And that so bright a star gleams not
  In yonder proud and pillared Hall,—
That he whose name was first to grace
  The festive list the last year's night,
Now slumbers in his silent place,
  And moulders in his robe of white?

Forget the past—no, never will
  Its blood and tears forgotten be,
And long shall swell our bosoms still
  That hour's indignant agony—
That hour when Freedom's boldest tongue
  By felon dsed in death was tied,
And o'er the spot her wild wail rung
  When Truth's young champion martyred, died.

His truth, above all vain pretence,
  His honor, bright as morning's hue,
His tongue of fearless eloquence,
  His hand so prompt, his heart so true,
His patriot fire, his quenchless love,
  His mind, pure reason's favorite spot,
His friendship strong as that above,
  Oh! shall they ever be forgot?

No! no! that deed of wo and shame,
  By blood-dipped fingers deeply traced,
Shall live to gild its victim's name
  And with it only be erased:
And souls that feel, and lips that breathe,
  The heart's fresh gushing deep and strong,
Shall twine for him the laurel wreath,
  And chant for him the noblest song.

But on his murderers' souls shall rest
  The doom of God, the curse of man,
And o'er their graves unwept, unblest,
  Still, still shall dwell the fearful ban.
The owl shall shriek her hooting song,
  The reptile drink the vapor there,
And day and night shall bear along,
  No minstrel's note nor mourner's prayer.

WASHINGTON, *February 24th*, 1839.

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NOTES OF THE MONTH.

L. E. L.

The most melancholy literary intelligence of the last month was the confirmation of Miss Landon's death, and that in a manner so painful and appalling, that the sad story will not cease to haunt the heart, and mingle there with the memory of her enchanted poetry. A lustre of peculiar beauty seems to hang round Miss Landon's name in the gallery of that brilliant school of English romantic poetry of which she was at once the divinest artist and the last survivor.

From the time of the strange and interesting announcement that girl of fourteen had astonished the world with poetry claiming at once an equality with the best efforts of the time, and people read with charmed admiration in the Improvisatrice the warm and gentle thoughts of early womanhood giving the *couleur du rose* to versification of fine finish and uncommon sweetness, she went on increasing each year her poetical reputation, until her fairy initials, L. E. L., became a constellation in the literary firmanent, and gave out out a starlike lustre of their own which the greatest names of literature never can surpass.

We do not venture here to speak of her poetry, she wrote so much and always so well that no single article could do, even Magazine, justice to her various merits. We can record merely the tribute of our sorrow and regret. In her own sweet words:

A light is gone from yonder sky,
A star has left its sphere;
The beautiful—and they do die,
In yon bright world as here!

But Letitia Elizabeth Landon has left a character and fame to which her emblem ceases to apply. The star has indeed gone out in darkness and awful gloom, but its light has not departed.

In the absence of full information, respecting the melancholy death of Mrs. McClean, the authentic particulars below, gleaned from the London papers, will be found deeply interesting. The following is from the "John Bull:"

DEATH OF MISS LANDON.

It is with feelings of sincere regret we have to announce to our readers the death of Mrs. MACLEAN, wife to the Governor of Cape Coast Castle, which most suddenly and unexpectedly occurred in that settlement on the fifteenth of October, 1838. The Courier of Tuesday, says:

"The feeling with which we record this mournful intelligence at the commencement of a new year, will be respected when we state that only yesterday morning we received from Mrs. Maclean a most affectiug and interesting letter, which sets forth at once with the animating assertion, 'I am very well, and very happy.' 'The only regret,' she proceeds to say, 'the only regret (the emerald ring that I fling into the dark sea of life to propitiate Fate) is the constant sorrow I feel whenever I think of those whose kindness is so deeply treasured.' She says that her residence at the castle of Cape Coast is 'like living in the Arabian Nights—looking out upon palm and cocoa-nut trees.' And she then enters into a light-hearted and pleasant review of her housekeeping troubles, touching yams and plantains—and a not less interesting account of her literary labors and prospects; intimating that the ship which brought the letter we quote, brought also the first volume of a novel, and the manuscript of another work to be published periodically. To the last, her friendly gossip is full of life, cheerfulness and hope. The next ship that sailed—how very, very soon afterward!—brought to us the tidings of the sacrifice of that life, the memory of which should be dear to all who can appreciate poetry, and wit, and generosity, the refinements of taste and the kindly impulses of the heart that makes human nature—and woman's nature especially—most worthy to be regarded with admiration and affection."

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An inquest was held, at which Mr. Maclean submitted a letter, dated 15th October, written by Mrs. Maclean, and intended for immediate dispatch to a female friend in England, in which there appears no depression of spirits. The only passage which at all savors of discontent is one certainly of no great importance. The following is the letter:

"My dearest Marie:—I cannot but write you a brief account how I enact the part of a feminine Robinson Crusoe. I must say, in itself, the place is infinitely superior to all I ever dreamed of. The castle is a fine building—the rooms excellent. I do not suffer from heat; insects are few or none; and I am in excellent health. The solitude, except an occasional dinner, is absolute; from seven in the morning till seven in the evening, when we dine, I never see Mr. Maclean, and rarely any one else. We were welcomed by a series of dinners, which I am glad are over—for it is very awkward to be the only lady; still, the great kindness with which I have been treated, and the very pleasant manners of many of the gentlemen, made me feel it as little as possible. Last week we had a visit from Captain Castle, of the Pylades. His story is very melancholy. He was married, six months before he left England, to one of the beautiful Miss Hills, Sir John Hill's daughter, and she died just as he received orders to return home. We also had a visit from Colonel Bosch, the Dutch Governor, almost gentleman-like man. But fancy how awkward the next morning. I could not induce Mr. Maclean to rise; and I had to make breakfast, and do the honors of adieu to him and his officers, white plumes, mustachios, and all. I have not yet felt the want of society the least. I do not wish to form new friends, and never does a day pass without thinking most affectionately of my old ones. On three sides we are surrounded by the sea. I like the perpetual dash on the rocks; one wave comes up after another, and is forever dashed in pieces—like human hopes that swell to be disappointed. We advance—up springs the shining froth of love or hope, 'a moment white, and gone forever.' The land view, with its cocoa and palm trees, is very striking; it is like a scene in the Arabian Nights. Of a night the beauty is very remarkable; the sea is of a silvery purple, and the moon deserves all that has been said in her favor. I have only once been out of the fort by day-light, and then was delighted. The salt lakes were first dyed a crimson by the setting sun; and as we returned, they seemed a faint violet in the twilight, just broken by a thousand stars; while before us was the red beacon-light. The chance of sending this letter is a very sudden one, or I should have ventured to write to General Fagan, to whom I beg the very kindest regards. Dearest, do not forget me. Pray write to me, 'Mrs. George Maclean, Cape Coast Castle, care of Messrs. Foster and Smith, 5, New City Chambers, Bishopsgate-street.' Write about yourself; nothing else half so much interests your affectionate

L. E. MACLEAN."

The verdict was "that the death of Mrs. Maclean was caused by her having taken an overdose of prussic acid, *which, from evidence, it appeared she had been in the habit of using as a remedy for spasmodic affections, to which she was subject.*"

By a curious coincidence, the following sweet poem from her pen was published in the "New Monthly Magazine" on the morning of the day upon which the news of her death reached London:

THE POLAR STAR.

This star sinks below the horizon in certain latitudes. I watched it sink lower and lower every night, till at last it disappeared.

A star has left the kindling sky—
A lovely northern light—
How many planets are on high,
But that has left the night.

I miss its bright familiar face,
It was a friend to me,
Associate with my native place,
And those beyond the sea.

It rose upon our English sky,
Shone o'er our English land,
And brought back many a loving eye,
And many a gentle hand.

It seemed to answer to my thought,
It called the past to mind,
And with its welcome presence brought
All I had left behind.

The voyage it lights no longer ends
Soon on a foreign shore;
How can I but recall the friends
Who I may see no more?

Fresh from the pain it was to part—
How could I bear the pain?
Yet strong the omen in my heart
That says we meet again.

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Meet with a deeper, dearer love,
For absence shows the worth
Of all from which we then remove,
Friends, home, and native earth.

Thou lovely polar star, mine eyes
Still turned the first on thee,
Till I have felt a sad surprise
That none looked up with me.

But thou hast sunk below the wave—
Thy radiant place unknown;
I seem to stand beside a grave,
And stand by it alone.

Farewell!—ah, would to me were given
A power upon thy light,
What words upon our English heaven
Thy loving rays should write!

Kind messages of love and hope
Upon thy rays should be;
Thy shining orbit would have scope
Scarcely enough for me.

Oh, fancy vain as it is fond,!
And little needed too,
My friends! I need not look beyond
My heart to look for you!

L. E. L.

The following letter from the Times, which our space, only, will admit, gives additional interest to this melancholy recital, as it appears to disprove thoroughly the painful rumours which, for the first time, reached us through the last English papers, of her death being voluntary and intentional.

To the Editor of the London Times:

Sir—As I find there are some painful surmises in reference to the melancholy death of Mrs. Maclean, I presume to request your insertion of the accompanying letter. It is probable one of the two she wrote the night before her decease; for though without date, it came to me as a 'ship letter,' and not by private hand, and I did not receive it until I had read the mournful intelligence in your paper. It is unnecessary to direct attention to its cheerful and healthy tone; to me it is evidence that for the first time during a life of labor anxiety, and pain, for such hers undoubtedly was, her hopes of ease and happiness were strong and well grounded. A mysterious dispensation of Providence has deprived literature and society of one of its brightest ornaments. She will be lamented by millions, to whose enjoyments she so largely contributed; but to her private friends the loss is one to which language can give no adequate expression.

I have the honor to be, sir, your obedient servant,

Anna Maria Hall.

The Rosery, 12, Gloucester-road, Old Brompton,

"My dearest Mrs. Hall: I must send you one of my earliest epistles from the Tropics, and as a ship is just sailing, I will write, though it can only be a few hurried lines. I can tell you my whole voyage in three words—six weeks sea-sickness—but I am now as well as possible, and have been ever since I landed. The castle is a very noble building, and all the rooms large and cool, while some would be pretty even in England; that where I am writing is painted a deep blue, with some splendid engravings; indeed, fine prints seem quite a passion with the gentlemen here. Mr. Maclean's library is fitted up with bookcases of African mahogany, and portraits of distinguished authors; I, however, never approach it without due preparation and humility, so crowded is it with scientific instruments, telescopes, chronometers, lavameters, gasometers, &c., none of which may be touched by hands profane. On three sides the batteries are dashed against the waves; on the fourth is a splendid land view; the hills are covered to the top with what we should call weed, but is here called bush. This dense mass of green is varied by some large handsome white houses belonging to different gentlemen, and on two of the heights are small forts built by Mr. Maclean. The cocoa-trees with their long fan-like leaves are very beautiful. The natives seem both obliging and intelligent, and look very picturesque, with their fine dark figures, with pieces of the country cloth flung round them; they seem to have an excellent ear for music; the band plays all the old popular airs, which they have caught from some chance hearing. The servants are very tolerable but they take so many to work. The prisoners do the scouring, and fancy three men cleaning a room that an old woman in England would do in an hour! besides the soldier who stands by, his bayonet drawn in his hand. All my troubles have been of a house-keeping kind, and no one could begin on a more plentiful stock of ignorance than myself; however, like Sinbad, the sailor in the cavern, I begin to

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see light. I have numbered and labelled my keys, their name is Legion, and every morning I take my way to the store, give out flour, sugar, butter, &c., and am learning to scold if I see any dust, or miss the customary polish on the tables; I am actually getting the steward of the ship, who is my right hand, to teach me how to make pastry; I will report progression in the next; we live almost entirely on ducks and chickens; if a sheep be killed, it must be eaten the same day; the bread is very good, palm wine being used for yeast, and yams are an excellent substitute for potatoes. The fruit generally is too sweet for my liking, but the oranges and pine apples are delicious. You cannot fancy the complete seclusion I live in, but I have a great resource in writing, and I am very well and very happy; but I think even more than I expected, if that be possible, of my English friends. It was almost seeing something alive when I saw 'The Bucanier' and 'The Outlaw' side by side in Mr. Maclean's library; I cannot tell you the pleasure it gave me. Do tell Mr. Hall that every day I find the books of gems greater treasures, I refer to them perpetually; I have been busy with what I hope you will like—essays from Sir Walter Scott's works, to illustrate a set of Heath's portraits; I believe they are to appear every fortnight next year. Give my kindest love to Mr. Fielding and Mr. Hall, and believe ever,

"Your truly affectionate,

"L. E. (Landon*) Maclean.

"I shall not forget the shells."

* "You see how difficult it is to leave off an old custom."

[The name had been written 'L. E. Landon;' but the word 'Landon' was erased, and that of 'Maclean' substituted.]

EONEGUSKI.

Famed as she is for political miracles, the city of Washington has never until the present occasion produced the literary wonder of a novel. This preëminence, certainly, even if it had no other merit, would entitle Eoneguski to some notice at our hands. It is an Indian Story, of which the scenery and characters are alike original and new to fiction. The light of romance and imagination streaming over the picturesque scenery and old story of the North, South, East and West, has already kindled a shrine for the fancy and affections in every star of the old thirteen, save and except North Carolina, and even most of the new sisters of our national constellation have had the romance or the legend hunter on the banks of their haunted rivers, and over the broad expanse of their vast prairies and in the depths of their eternal forests. But North Carolina no longer presents the solecism of exception, and in the novel before us the author has showed, and that really well, that she possesses not merely materials of romance rich and sterling as her native gold, but pens capable of delineating them with adequate power. We are not disposed to look on Eoneguski on this account with the same expectation and critical scrutiny that would be excited by a work where the "clearing" had been made and the soil perfected by the husbandman's art. There is merit in having led the way in such a path—in being the pioneer in an untried region, and if there were even fewer passages of feeling, descriptive beauty and interesting narrative than are to be found scattered with no sparing hand over these volumes, we should be inclined to forgive and forget even greater faults than they possess for the good service done by them in directing attention to a sphere so interesting.

The circumstances which induced the author to take up the subject are detailed with a good deal of spirit in an introduction which has far more vraisemblance in its way of finding a story for the author, than Mackenzie's wadding, or Sterne's cheese-paper. McDonald's hospitality is so genuine, and his fare of mountain 'salmon' so tempting, that we would willingly exchange a whole winter in Washington, with all its speeches, bills, reports, dinners and drawing-rooms, for one month of Mac's

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mountain scenery, and one morning's exercise in such animating sport as is described in the following extract. With his guide the author has been to see the picturesque "Falls of the Sugartown Fork," and has just surmounted a "very steep ascent formed by the mountains so closing in as to leave only a very narrow pass for the brawling stream," when we commence our extract:

"As we turned to descend—"We must take a salmon home with us for dinner," said Mr. McDonnald.

"A salmon?" said I, in unfeigned surprise.

"Yes," replied my host, in his quiet way, "a salmon."

"You are jesting with me," said I.

"Indeed I am not," said Mr. McDonald, deliberately seating himself by the side of the stream we had regained, and pulling off his coat, shoes and stockings, and rolling up his pantaloons and shirt sleeves.

In a moment more he was in the water, turning over the large rocks, with as much earnestness as if he had expected to find a bag of gold beneath each of them. I looked on, puzzled what to think of my new acquaintance. At length he succeeded in slightly shaking a very large rock, which defied all his efforts to turn it over, when instantly there dashed from beneath it what, at first, appeared to me to be a perfect monster. Mr. McDonald immediately rushed in pursuit, and a more amusing spectacle I never witnessed for twelve or fifteen minutes. The water was splashed about in every direction, so as to leave not a dry garment upon the pursuer, as a large fish darted from one hiding place to another, with fruitless efforts to avail himself of it. Sometimes the hand of the extraordinary fisherman was fairly upon him, but the lubricity of his scales would save him, and afford him another chance for escape. At length, however, when nearly exhausted with his bootless exertions, Mr. McDonald succeeded in dexterously thrusting his hand into the gills of the fish, which now lashed the water into a perfect foam, and sent the spray in every direction, like a shower of rain. But the relentless foe held on with tenacious grasp and dragged him to the shore."

As it professes, this book is a tale of the time of the late war—the opening being laid shortly before it broke out. The principal scenes are laid in that part of North Carolina called the 'Cherokee nation.'

The action commences with the description of the family of Robert Aymor, one of the pioneers of the wilds. His daughter Atha is loved by John Welsh, a half-breed, saved when a child by one of Aymor's neighbors during one of the earlier Indian skirmishes. Her father will not consent to their union owing to the Indian blood in his veins, and his love drives him from that part of the country—he goes to the Indian country and becomes the adopted son of an old chief. An awkward combination of circumstances makes him the slayer of an Indian, and he is compelled to fly, and returns to Aymor's country, where he is followed by Eoneguski, as the avenger of the killed Indian. Eoneguski meets with Robert Aymor, who, in some earlier wars, had been taken prisoner by his father, Eonah, one of the chiefs of the Cherokees, but was by him saved. Eoneguski abandons his pursuit of Welsh, persuaded thereto by the story of the love of Atha Aymor and Welsh, told him by the son, Gideon Aymor. On returning, Eoneguski takes Gideon with him into the Indian country; where he finds his father much offended at his return without the scalp of Welsh. Eoneguski takes Gideon to a neighboring Indian village, where there lives Yenacona, another half-breed, who proves to be the mother of John Welsh, and with her lives her neice, Little Deer, who is the betrothed of Eoneguski. Gideon is left there; and partly by the aid of Yenacona, who is a christian, and partly by the aid of Thompson, an emissary of the British Government, to stir up the Indians, under the guise of a missionary, he succeeds in persuading the Little Deer into the desertion of Eoneguski, and then marries her himself. Previous to this the war breaks out, in which all the parties are involved. Aymor and Welsh meet at the battle of Tohopeka, of which there is a spirited account, and render some service to each other. Eonah, the father of Eoneguski, dies, and he succeeds him, notwithstanding the intrigues of a wily Indian, Chuheluh, who was also instrumental in causing John Welsh to slay the Indian, for which he was obliged to fly.

There is also an old Indian saga or prophet, whose previous history and present actions are closely connected with the principal characters of the book, especially

Yenacona. John Welsh is discovered by his mother, Yenacona, becomes one of the chiefs of the Cherokees, and is in the end married to Atha Aymor. Eoneguski, disappointed by the Little Deer, is never married, but devotes himself to the government of his people—and the rest of the plot is worked out as may expected.

As might be anticipated, a story such as this affords many opportunities for fine descriptive and narrative writing, of which the author, indeed, has not failed to avail himself, in proof of which we might instance the interview between Tecumseh, who has been introduced with signal effect, and Eoneguski, in the second volume page 155, and the battle already alluded to, where General Jackson drowned in blood the last remnant of the hostile Indians.

One thing is abundantly certain, that the present work is a first attempt at this species of composition, and it contains elements of power that a second trial may bring effectually into play. We trust the accomplished author will make this attempt and that the public will give him the best encouragement to do so, by their liberal patronage of the present effort.

THE MAINE BOUNDARY QUESTION.

At length, after half a century of diplomatic "*negotiation*," there appears a prospect of an early settlement of this question; and it certainly affords a subject for sincere congratulation, not alone for the sake of the interest and honor of the State individually concerned, but for those of the Union at large. And that which a long array of stately diplomatists, each piling ream upon ream of official notes, *ad infinitum*, to make still worse confounded the confusion left by his predecessor, have been unable not merely *to do*, but even to approximate towards any reasonable *prospect* of doing, lo and behold, has been done, or all but done, with a few dashes of the pen, by a quiet, plain little man, of rather ordinary appearance, modest manner, and retiring habits, sallow complexion, good-natured countenance, and a peculiarly calm, steady eye—named John Fairfield, made Governor of the State of Maine by a bold, manly, and thinking people, because he was a staunch democrat, and a man of well approved sense, spirit, and firmness.

The right of Maine to the undisputed possession of the whole tract in dispute is as plain as the noonday sun in the heavens. The question does not rise, as has been said on the floor of the Senate, with the entire concurrence of all, to the dignity of debate. Ungracious as the assertion may seem from the one party to an unsettled question, the case is so extreme a one, that we must say that we cannot believe in the sincerity or good faith of any person, possessed of a decent modicum of intelligence, who, on looking at all into its merits, will profess to give the British claim the benefit of even a single doubt. This is strong language, but not stronger than we feel warranted by the truth in using, with all deliberation and confidence. We therefore have nothing here to say about the merits of the question further than to refer to the full exposition of it which may be found in our Number of last September.

We are not at all surprised that the patience of the State of Maine has become at last completely exhausted, and that she has determined not to permit the further indefinite procrastination of these interminable negotiations. The silence of the British Government through the past year, after the strong manifestations of public opinion in this country, through all its highest organs, proves, if any such proof were needed, that it is idle for us to expect from it for the future any better disposition for a fair and honorable settlement of the difficulty, than has been exhibited throughout all its past history. We cannot therefore withhold our full approval of the course she has adopted, so far as known at the date of the present remarks, as the only one fully equal to the circumstances of the case. A large armed and organized band of lawless intruders are upon a portion of the territory in dispute—a portion of

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it over which American jurisdiction has been exercised as far back as thirty years ago. They are rapidly stripping it of that which constituted its chief value. The State sends promptly a civil officer, supported with an armed *posse*, to remove them, and arrest the dilapidation of the property unquestionably her own, and soon to be adjudged as such. It is violently resisted, and the officer arrested and imprisoned. The State rushes with its military force to the support of its civil officer in the function committed to him by the law. She is met by a claim on the part of the British authorities, advanced in a very arrogant manner, to exclusive jurisdiction over the whole territory in dispute, with a demand that all armed force shall be withdrawn, and the trespassers seized, be delivered over to the British jurisdiction for trial. This is the question on which, if on any, the collision is to take place—the British claim to exclusive jurisdiction pending the negotiations; and on this we think the right of the State perfectly clear. There can be no doubt that the President will be sustained by the unanimous approval of the country, in the determination declared by him to Congress, that, if this claim is maintained, and exercised by an armed occupation of the territory, he shall regard the case as arrived imposing upon him the constitutional duty to call out the militia to repel invasion. His language has all the moderation, with a sincere desire for peace and tranquillity, with at the same time that resolute combination of the *fortiter in re* with the *suaviter in modo*, alike characteristic of its author.

Some censure has been cast upon the course of Gov. Fairfield, as too precipitate and summary—in sending an armed force to the Aroostook, without previous consultation with either the Federal Government, or the Governor of New Brunswick. His object being to compel a speedy attention to, and settlement of, the case, and to exhibit the spirit which had been long and slowly mounting in the State, till it has reached a point at which it can no longer be possible to keep it down,—we think, on the contrary, that that course was the proper one; and that it will undoubtedly lead, by the shortest way, to the most satisfactory result. It should be borne in mind that the military power of the State was not sent to the support of the civil posse until after the proclamation of Sir John Harvey, claiming exclusive jurisdiction.

We have little apprehensions about the result. Sir John Harvey will not have ventured to attack the Maine troops, before the instructions from Washington will have reached him, which will doubtless put a peaceful end to the immediate difficulty. All parties will then retire. The object of the State will have been fully accomplished. Her equal right of jurisdiction will have been strongly asserted and stoutly maintained, and the arrogant and utterly unfounded adverse claim will have been successfully repelled;—while, as its most important consequence, the British Government will be for the first time within half a century awakened to the consciousness that the crisis of this most vexatiously procrastinated question has at length arrived, and that the State of Maine and the United States cannot, and will not, any longer submit to the cajolery of diplomacy heretofore so successfully played off against us by her adroit negotiators.

THE EXECUTIONS IN CANADA.

The most foul atrocities with which this part of our continent has *ever been* stained, taking into considerate connection all the facts and circumstances of the case, are unquestionably the late British executions in our neighbour state of Canada. In the present age of the world, and the present maturity of the public mind to extinguish human life for political opinion is not a whit less infamous or revolting than it would be to revive the fires of Smithfield, and burn men, women and children for religious belief. It is impossible to apply to this case the justification of legal right.

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The laws of England, which have been defiled by her monarchs with penalties for every crime, sanguinary as the code of Draco, authorize the penalty of death in unnumbered instances, where the daily practice of her Courts show that it is necessary for justice sake to preserve the life. The law of High Treason in particular; under which these hideous murders have been committed, is as old as the reign of Edward III, and ordains capital punishment for conspiring the death of the King! If the great Jefferson in the sincere respect of a philosophic lawgiver for the rights of posterity, and with a sacred deference to the progress of opinion, questioned the power and doubted the propriety of a legislature's enacting laws binding for more than one generation, what shall we think in our land and in an age subsequent to Jefferson, of the horrid criminality of these bloody executions in Canada, under a law some hundreds of years old and for an offence an American and a Republican cannot commit. No, the spirit of murder is essentially combined with the spirit of British Monarchy. The sanguinary selfishness of its fear of light, truth, justice and patriotism, has traced its long long career in the pages of British history in the best blood of its own land—and it is not to be borne that the monster appetite is now to be satiated with American and Republican victims. We say American without especial reference to the natives of the United States who perished at its bidding, but also of the more friendless Canadians, natives of the same soil, children of the same sun, and inheriting the same sympathies and associations as ourselves.

We attach no blame to the *People* of England for these atrocities. Their influence, wherever it has found its way into the legislation of their country, has been—like that of the people in all countries—uniformly beneficial, enlightened, and humane. The influence of her Monarchy has been, on the contrary, as uniformly bad, and its elements of evil, accelerated with all the impetus of power and energy, have, unhappily for a large portion of mankind, gone so much farther, as her history records, in the infusion of crime and guilt, and the adulteration of the good, arising from the opposing influence, that the British system—whether of politics or of legislation, has been rendered a compound monster, in which the darkness greatly predominates over the light, and whose operation has been almost uniformly maleficent on the destinies of the human race wherever it has been tried. We have not now space or heart to enumerate the holocaust of illustrious names comprising the brightest and the best of Britains' children, which has been sacrificed to appease and comfort this Moloch of her Monarchy.

What a noble army of martyrs, yet and that soon, to be honored as they deserve, would not these names compose; from the Cobhams and Balls of her early history, to the Russells and Sidneys, or Emmets and Lounts of her modern annals, whose fame will shine in brightness undiminished, when the loathing and wrath of aroused and free opinion shall have prostrated forever the system that destroyed them, because it could not exist in the same age with so much of purity and worth. The inexpressible indignation and disgust which the perpetration of these atrocities in this hemisphere has occasioned throughout the whole length and breadth of this land—where public opinion is so free and healthy, that it may be said to resemble the voice of posterity, may image forth the reaction of that tide of virtuous feeling that ere long will swell up in a strength that will at once atone and avenge the whole. Yes! let it go forth.—Never, never will the loathing which the judicial murders of these hapless Canadians has attached, in all enlightened opinion, to the British Monarchy be effaced, nor the indignant abhorrence they have excited, subside until a power thus disgustingly alien to the feelings, the interests, and the sympathies as well as the soil of freemen, shall have been utterly expelled from the broad expanse of the North American continent, whose free soil its odious and cruel policy has thus foully polluted.

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THE

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AND

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THE TWENTY-FIFTH CONGRESS.

The Twenty-Fifth Congress has come and gone. It has been a violent, embittered, and factious one; and it has exhibited many a scene which can afford very little satisfaction to the sincere lover of his country and her institutions to contemplate or to recur to. But it is gone, with its good and its evil, to take its place in history —with all its aspirations of dishonest ambition, all its little interests, all its passions, its intrigues, its treacheries, its *crimes*—together, too, with all the features of a brighter character which it may also have exhibited. Through all the stormy excitements of the hour, the wheel of time has still rolled swiftly and steadily on; and now, as we look back upon the history of the last two years—like a distant view of an agitated expanse of water—while the tossing froth of its waves is no longer distinguished in the broader scope of vision which the eye takes in, and the murmur of their fretful dashing can no longer reach the ear, the fixed rocks of great principles, planted firmly in the midst and towering high above, arrest the attention only the more distinctly and the more strikingly, than they could before. We propose to take a rapid review of this period. The contrast between its commencement and its close will be found pregnant with valuable political instruction.

There have been three sessions of the Twenty-Fifth Congress. Throughout the whole, the Administration has been in real minority in the lower, and in majority in the upper House—reversing the relative positions of parties during a portion of the previous Administration. Nothing has therefore been done on the great question which has now, like the rod of Aaron, swallowed up every minor one, the Divorce of Bank and State. It has been a period of transition, of preparation, of discussion, previous to the final settlement of the public opinion, which will develope itself in action, by establishing a permanent fiscal system for the country, at the next Congress

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Throughout this period there has been no regular, legalized and organized system in existence. The public finances have been kept and administered almost wholly at the discretion and under the responsibility of the Executive, who has in vain repeatedly sought to be relieved from the burthen. The former system, resting upon the banking system of the States, had exploded, from the internal action of its own vicious principles, and only encumbered the country and the Government with its ruins. By the universal suspension of the banks, in May, 1837, not only did the Government find itself suddenly cut off from all the existing provision for its support and for its immense expenditure, of which it was impossible to arrest the progress, but all the existing law for the custody of its accruing revenue suddenly expired by its own limitation; and upon the Executive was thrown the vast responsibility of organizing a new system on the spur of the occasion, and of administering it, in the midst of all the clamor of faction, and the all but revolutionary agitation of panic with which the country was filled, at its own discretion and its own peril, unaided by any other checks of legal provision but its own special regulations, and its own unresting and, so far as possible under such circumstances, omnipresent vigilance.

The events of that memorable year of the suspension are already history. No Administration under our Government has ever been subjected to so severe an ordeal. It met fearlessly and firmly all the responsibility of the crisis. It never yielded or quailed an instant. It never suffered itself to be forced or tempted to recognize any other than the specie standard of value, as designed by the sagacious founders of our institutions. The Post Office Department, in despite of "mobs of gentlemen," headed by distinguished members of Congress, resolutely adhered to the determination promptly announced by it, to receive and disburse gold and silver alone in its transactions. And the Treasury Department, by the expedient of receiving in payment its own protested drafts on the deposite banks, and by making the most of the small stock of specie on hand, was enabled successfully to resist the powerful pressure that was made upon it, to compel it to admit into its operations the paper of the suspended banks; until the convocation of Congress, at the Extra Session, relieved it by the issue of Treasury notes, at the same time that it relieved the institutions and individuals indebted to the Government by liberal allowances of time.

But it is not to be denied that during that period, faithful as was the Administration to itself, to its cause and its creed, its party at large throughout the country became dreadfully confused and disorganized. The great majority of the old local leaders upon whom it had been long accustomed to rely, whether from having had the foundations of their democracy sapped by the long possession of party ascendancy and power, or corrupted by prosperity and by the

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seductive blandishments of "the Credit System,' either openly fell away from the simple and pure original principles of their political faith, or by their indecision and doubting lukewarmness produced no less injurious an effect on the public sentiment of their respective spheres of local influence. Great numbers also of the incumbents of office under the Administration, misunderstanding the crisis and mistaking its probable issue, were seen to imitate the instinct of the rats that abandon the falling house; and either openly or indirectly were able by their very official positions to do it incalculable injury, in sowing dissension, distraction and panic, at the very moment when, most of all, all should have been union, firmness and courage.

The Opposition, on the other hand, were full of confidence and energy. The fate of the Administration was regarded by them as sealed—the Latium of power, their promised land, flowing with milk and honey, now full in view! Here was the legitimate result of its "experiments," of its "tampering with the currency,"—here the fulfilment of every prediction of disaster,—here the practical evidence and illustration, equally of its political profligacy, and of its ignorant incompetence for the responsibilities of government! Their press surpassed itself in thundering daily against it the most vehement philippics of denunciation, mingled with the most exulting pæans of triumph. Election after election brought up against it overwhelming majorities; and on the part of the Opposition the only question was, which of their leaders was to be rewarded, for their long struggle in minority, with the Presidential nomination, as their party candidate—such nomination being regarded as but the formal preliminary to the popular election which was to be carried, as matter of course, almost by default.

On the assemblage of Congress the eyes of the country were turned with intense anxiety upon the seat of government,—when the President's Message went forth, with an electric effect, through the length and breadth of the land. It cut a clean swathe as it went, fat and wide, through the midst of the parties. It was immediately recognized by the Democratic party as *a sign of power*, which could not fail to lead them again to victory. Bold and strong as it was, it was promptly responded to, as an appeal that touched the very inner heart of the Democracy; and though a very small proportion hesitated and wavered for a time, and hung back in the rear of the great popular movement of opinion of which it was at the same time a representative and a guide, yet as a whole the immense majority of that party accepted it immediately, as the true basis for that reorganization rendered necessary by the recent political earthquake. It effected, too, another important object. The unnatural and ill-omened union, which had grown out of peculiar causes to which it is unnecessary here to refer, between Northern Federalism,

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with its National Bank, its Internal Improvements, its Tariff and its high notions of strong and splendid consolidated government, and the Southern *ultra* State-Rights school of politics, which could approach the former only on the principle of the meeting of extremes,—that incongruous union was instantly broken by it, as by some potent spell-word which it had long been awaiting. The eminent individual who stood before the country as peculiarly representing and embodying the political creed of that school, instantly was seen to feel and recognize its power; and promptly, and in manner worthy the magnanimity of the man and of the act, gave in his adhesion to the principles of that document, and his powerful support to the policy which it recommended, in timely anticipation of that general movement of Southern opinion which the eagle eye of his intellectual vision could not but foresee as an inevitable certainty.

During the Extra Session one of the finest debates of modern parliamentary history took place in Congress, in both of its branches, but more particularly in the Senate; and the movement of the waters, begun there, extended itself in every direction, like the spreading ripple, throughout the country. The lawyers of the Opposition had a strong *prima facie* case against the Administration. The suspension, the distress, the panic, were in full vogue, and supplied the amplest materials of denunciation and plausible argument, against the party whose policy, it was maintained, had naturally developed itself to these consequences. *Relief* was the cry—regulation of the currency—a National Bank! The bank alone—with the expulsion of the party in power—could afford the panacea which was to heal all the disorders and sufferings of the times. It alone could bring back a resumption of specie payments—it alone restore order to the deranged foreign and domestic exchanges of the country—it alone reanimate its paralyzed industry and commerce! Meantime it were indeed the unpardonable sin to refuse the moral sanction of the Government to the suspension of the banks, by withdrawing from them the use of the public revenues, and the agency for the custody and disbursement of them, and by attempting to make any tyrannical distinction between their depreciated paper currency and real substantial *money!*

On the other hand, the position and policy of the Administration were admirably sustained in argument by its friends, sorely at disadvantage as they were placed by the circumstances of the times. We need not here retrace the grounds of the argument, which was carried on with unrelaxing vigor through both sessions of Congress. Towards the close of the latter, its influence and the effects of the firm attitude pursued by the Democratic party, began already to make themselves apparent. In spite of the most strenuous efforts to resist it on the part of the paper money interest, under the espe-

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cial guidance of the Bank of the United States, the public opinion thus generated and stimulated forced the banks to resume specie payments; which movement, commencing in New York, gradually extended itself over other parts of the country. The natural and usual tendency to increased excess of issues, during a period of pressure and suspension, was effectually checked. Specie poured into the country. Its foreign debt, contracted by excess of importation and luxurious consumption, gradually liquidated itself by the exportation of its natural products; and *pari passu* with that process the foreign exchanges rectified themselves with the certainty with which, by the great laws of nature, water when left free to flow will find its own level; while the continued disorder of the domestic exchanges so manifestly resolved itself into the difference of credit of the different local paper currencies, which required only the extension of the resumption to rectify, that this soon ceased to be an available topic of argument in favor of a National Bank. The conduct of that institution itself during the suspension —its interference in and monopoly of certain important branches of mercantile business, especially its cotton speculations—its palpably illegal and fraudulent reëmission of floods of the notes of the old bank—its strenuous but fruitless struggle to prolong the suspension, with all its incalculable evils, to continue the golden harvest which it was enabled to reap from the general derangement and disaster—the coolly unblushing insensibility evinced by it to the ordinary laws of honesty and morality, in the most unfortunate public letters of its President—these causes coöperated effectively with the others we have alluded to, and with the daily reviving industry and business of the country, in dispelling much of the delusion with which a large portion of the public mind had been so long possessed in favor of a National Bank, and especially of that one which had heretofore become so closely identified with the cause of the Whig party, as to render their political destinies necessarily inseparable.

By this time the process of reaction in the public mind, from the state of opinion hostile to the Administration which the crisis and panic of the preceeding year had caused, was manifestly going steadily forward. The reorganization of the Democracy was rapidly completing and consolidating itself. All distrust and fear had long since vanished; while they began unequivocally to manifest themselves on the side of our adversaries, as, one after another, the progress of time and the event swept away the foundations of their old arguments and popular appeals, and as they marked the hourly ebb of that tide of public excitement which their ill-omened efforts of panic-making, effective only in the hour of their country's suffering and shame, had been able to lash up—

"To such a sudden flood of mutiny."

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The fall elections—with but one or two exceptions, which it was easy to explain by adequate peculiar causes—soon following the adjournment of Congress, bore signal and overwhelming evidence of the truth of this representation of the progress of opinion. We need not here dwell upon them. One after another, the deep voices of the people came up from the different States, in accents that well rewarded the long patient endurance of those who had listened unmoved through the preceding year to all the clamor of faction and panic—with their verdict, on their sober second-thought, of "Well done, thou good and faithful servant!" There was this peculiarity in that crisis, that the long-protracted struggle between the two parties had at length reached an issue the decision of which must be final and conclusive of their political fate. With the Opposition all was staked upon it; and if the Administration should weather *such* a storm, they might well indeed abandon all hope or thought of prevailing over it. If the infatuated people would not be convinced of the truth of the charges so long and loudly thundered against it, by the events of that year—and, *à fortiori*, if, after at first rashly condemning it, under the influence of the panic, distress, and party clamor, they should retract the error of that first delusion, and come back to its support in daily swelling majorities—then well indeed might they conclude, that they would not believe "though one should rise from the dead." Accordingly, such were manifestly seen to be the effects of the elections of last fall, upon the Whig party itself. The increased majority in Missouri—the reaction in Maine, from the Whig majority of the preceding year to a large Democratic majority—the conversion of Maryland, from its ancient time-honored Federalism, to the election of a Democratic Governor, who had especially identified himself with the "odious Sub-Treasury" question—the recovery of the popular vote of New Jersey—the decisive triumph in the old Keystone State of Pennsylvania, contrary to the sanguine anticipations of the Whigs—the diminished Whig majority in Massachusetts—the manly and magnanimous accession, to the support of the Administration, of the gallant chivalry of South Carolina—the unanimity of the majority of both parties in Georgia in favor of the great cardinal measure by which the classification of parties was now every where adjusting itself—and, above all, the astonishing revolution of Ohio, by the conversion of the strong Whig majority of a recent period to a stronger majority in favor of the Administration, not only a great event in itself, but portentously symptomatic,—these were, one and all, evidences against which no blindness of partizanship could close the eyes of any save the most infatuate and bigoted of our opponents, of a grand popular movement to the support of the principles and policy of the Administration, arising up out of the very lower depths of the public mind,—of precisely

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such a popular movement as it had always, from the very outset, and in the midst of the darkest hour of its trial, so boldly appealed to, so confidently predicted, and so nobly trusted to. In all quarters, as manifested by the despondent tone of their press, and in private intercourse by the confession in countless instances wrung from the chagrin of discomfiture and disappointment, the Whigs as a party seemed to be on the point of giving up the contest—of abandoning the people to the merited fate of their own infatuation—of retiring in disgust from this ineffectual contest with the "fierce democracie," upon whose obtuse intellect it proved thus impossible to make a permanent impression, in opposition to an Administration which, sprung from them, had the sagacity, if we may not be permitted to call it the honesty, to place its strength and its reliance in its adherence to the first great principles of Democratic truth, and in its bold confidence in the ultimate sagacity of the honest popular judgment. And we sincerely believe that they would have done so—even, probably, to the extreme of not attempting a serious organization for the Presidential contest—but for the unexpected intervention of their victory in New York, to rescue them from the immediate agonies of political dissolution, and to postpone yet a little longer the evil day which, nevertheless, was neither to be averted nor mitigated. That defeat (though by a largely diminished majority from that of the preceding year) was as unexpected to ourselves, as had been many of the former triumphs which had preceded it. It was easy, however, to explain it, on principles entirely peculiar to the particular case, and foreign from those on the operation of which we relied for eventual success in the general political contest. They have been stated in a former Article, and are familiar to our readers. The result of the New York election did not in the slightest degree affect the prospects of the Administration, nor touch the elevated security of its position. In comparison with the preceding election it was itself a victory; and it was accompanied with such evidences of the progressing, though yet incomplete, re-organization of the long disordered and confused Democratic party in that State—and with such indications of real weakness and of inevitable approaching downfall, on the part of its opponents—that there was no affectation in the expressions of satisfaction which, on a calm review of the whole ground, were used in relation to it by some of the most enlightened friends of the very party which sustained the reverse.

But to the Whigs this success—together with the god-send of the blessed discovery of the enormous defalcation of their former especial friend, the late Collector of the port of New York, came like the reprieve to the criminal on the eve of his last allotted day. It revived a little their exhausted hopes, re-inspirited their drooping courage, and rallied, for yet another effort, their wavering and

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yielding array of party organization. Well may they render praise and thanksgiving to the individual to whose unwearied exertions, next to the long accumulated errors and faults of our own party in that State, they were mainly indebted for it! And if the triumphal processions, and broadly trumpeted ceremonials of reception and greeting, with which his friends may attempt to stimulate, to some faint show of warmth, a popular enthusiasm which never has and never can, under any circumstances, be aroused in behalf of a political apostate—if, we say, such attempts, by a handful of personal friends and party associates, prove cold and meagre and spiritless failures—and if one-half of the local Whig press, with their gigantic sheets, regret to find themselves prevented by "the crowded state of their columns" from even spreading out in full the brief record of the high proceeding—

Not what it was, but what it should have been—

we have no other remark to make upon it, while we point ambitious politicians to the sad warning of the example, than that the Whigs of New York, in such a treatment of the able and distinguished ex-Senator who has last gone to swell the long array of the leaders they have derived from the secessions from the Democratic ranks, have only again proved their political gratitude to be about on a par with their political honesty of principle.

Such, then—to return from the episode which has tempted us aside to moralize a moment upon an instructive political lesson—such, then, was the state of parties on the re-assemblage of Congress, for its third and last session, within the period over which we are casting this rapid bird's-eye glance. In an Article in our December Number on "The Coming Session," we expressed the curiosity which our readers must have shared with us, as to what the Whigs could have to say, what to do, for themselves at that session, on the main topic of party interest, the fiscal system to be adopted for the Federal Government. Time has now furnished the answers to our queries which no foresight could have anticipated; we hasten, therefore, to give our readers such account of them as we may.

It certainly appeared a most embarrassing position that that party occupied in Congress, it being impossible to decide which course was the most awkward and impracticable, to advance, to retreat, or to remain stationary. All the old topics rendered unavailable—the distress at an end—the panic succeeded by a confidence already threatening to run into unhealthy excess—their cardinal principle, a National Bank, beginning, from a bitter necessity and with the worst grace imaginable, to be disavowed by its own friends—the melancholy contrast in the state of public opinion, as indicated by the elections, between the present year and the last—what materials now remained to them for those copious floods of partisan invective with which it has been of late years their annual wont, instead

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of attending to the proper duties of legislation, to consume the sessions of Congress? And what could they do? Being in majority in the House of Representatives, the responsibility was incumbent on them, of either adopting some legalized fiscal system, or of leaving the public revenue, unregulated by law, unprotected by the checks and safeguards of which recent events had so strikingly illustrated the necessity, at the sole discretion of the Executive. Of all imaginable alternatives, the last appeared the least possible. It would be too palpable a confession of political profligacy, too open an admission of the falsehood of all the charges of corruption and incompetence, so long and vehemently urged against the Administration! For the sole motives that could possibly dictate such a course must be, *either* a secret desire that the public Treasury should be in fact badly and dishonestly managed, to afford materials for continued future partisan attack, as they themselves denounced and predicted,—*or* a secret confidence in the wisdom, integrity, and patriotism of the Executive, in relation to "the purse," similar to that manifested in another great measure of the session, in relation to "the sword." They are welcome to their choice of the two horns of the dilemma. We were justified, therefore, in assuming it to be *impossible* that the Whigs could undertake the responsibility of adjourning without having adopted some system or other; which, in the manifest impossibility of reviving the old Deposite Bank System, or of even attempting the proposition of a National Bank, could be no other than at least some modification of "the odious Sub-Treasury Scheme."

We shall never again repeat the folly of believing any absurdity, any inconsistency, any self-contradiction, *impossible* to a party thus constituted, and actuated by such a spirit as the present Opposition in Congress has so long and so often exhibited. We acknowledge the mistake which none but themselves could have so effectually corrected; and stand rebuked by their own conduct, for having given them a certain degree of credit which we shall certainly never again be guilty of thus imputing to them. They *have* again, contrary to our supposition, planted themselves on the old ground of *prevention*. It was early apparent that such was still their determination; and accordingly the friends of the Administration, in the House of Representatives, early gave up in despair all hope of carrying any measure for the establishment of the Independence of the Treasury through the present Congress; while the Senate justly felt it to be incompatible with its proper dignity to send a third bill of a similar character to that body, to share the fate of its two predecessors. There appears to have been a general disposition, on the part of the friends of the measure, to leave the question now with the country and the next Congress,—secure of the continued and confirmed ascendancy of the present Administration and its

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policy, and satisfied that every day was loosening more and more the hold that the banks have held upon the public favor, as agents for the fiscal administration of the government of the country.

The Senate contented itself with passing a bill for the more effectual prevention and punishment of public defaulters—a bill very elaborate, complete and unexceptionable in its provisions for that object. This bill was steadily opposed by the Opposition in the Senate, as a distinct party question; and in the House, where, on that ground, its fate could not have been long doubtful had it been acted upon at all, the dominant party allowed the session to expire without an attempt to adopt that or any measure of a similar character and object.

How strongly this simple review of facts, on which no commentary could shed a clearer light, illustrates the flagrant dishonesty of all the clamors so long and loudly thundered against the party in power, especially in relation to its administration of the public finances. Is it possible that any considerable portion of that public opinion that has heretofore supported such leaders, can continue insensible to such open demonstration of party profligacy!

The topic of the public defalcations was the only gun that the Opposition have plied against the Administration at the last session—all the others of their former batteries having, as we have seen, either been silenced, or having exploded, one after another, of themselves, doing more injury among their own ranks than they ever have done among those against whom their fires had been directed. This was the one idea of the session. It is true, that at the commencement of the session a strong but intemperate attempt was made to excite a little Abolition agitation, but it was a most lamentable failure. By one of the most skilful, prompt and energetic parliamentary movements that we have ever witnessed, the Democratic party in the House blighted in the bud every hope that might have been cherished of weakening the daily growing strength of the Administration at the South by the agitation of this question. By the famous "Atherton Resolutions," not only was this long-vexed question, as a political one, placed at last, fully and distinctly, on its true ground of the *State-Rights principle*, so as to be able to combine the free support of all the Democracy of the North, of which many had before had but an imperfect understanding of it, but moreover a sudden and total extinguisher was put upon the very possibility of making it a means of party agitation within the Halls of Congress. This movement set the matter at rest. The Whigs themselves evinced their consciousness of it by the desperate efforts which they made to evade or counteract it, when it was too late; and by the petulant explosions of impotent chagrin by which some of their leaders, the loudest in declamation about Southern rights on this subject, showed that it was only for the low and unholy

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purposes of political capital, that they had so long been deafening the wearied ear of the country with their clamor against the agitation of the slavery question on the floors of Congress. There was but one single eminent individual who did not perceive how completely the subject was now placed at rest—that the tide had turned—that the iron which but a short time ago had been so hissing hot had now become cold;—that eminent individual was Mr. Clay, who, towards the close of the session, in his well known anti-Abolition speech, was seen to stab, and gash, and mutilate most ruthlessly the dead body of Political Abolitionism—reminding us of the country player who, after the play was over, the catastrophe consummated, the curtain descending, and the audience gone or going, recollected a most important speech, which he ought to have delivered *at the beginning of the first act*, and which therefore, as it contained a capital point of tragic effect, he begged the audience now to listen to, by way of epilogue. In fact this has always been Mr. Clay's unfortunate fate in all his Presidential demonstrations; and, with Mr. Niles' permission, we would suggest as the most appropriate epitaph for his tomb on the consummation of that political death now less than two years distant—as embodying the whole moral of the life of an ambitious politician with whom *expediency* was the main governing principle—"ALWAYS A LITTLE TOO LATE!"

The defalcations were, then, *the one idea* of the Opposition at the late session. They plied it hard, but, after all, with lamentably little effect! The proceedings in relation to that investigation have done vastly more injury to the cause of those who conducted them, than to those against whom they were directed. The denunciations in advance—the most unjust and unfair commentaries that were made upon the correspondence of the Treasury Department with the receivers, &c., which exhibited only *one-half of the picture*, not containing the letters of explanation *from* the officers referred to, as well as the vigilant communications of the Department *to* them, in relation to irregularities before the detection of their actual defalcations, defalcations into which they were tempted by the demoralizing seductions of the credit system, and which were rendered easy by the imperfections of the existing restraints of law, and by the facilities of the bank deposite system—the pledges to impeach the Head of the Treasury Department, if a fair committee of investigation should be allowed by the House—the most unblushing packing of that Committee by the secret ballot, so as not even to allow the Democratic party the selection of its own members, on the minority of three to six, by a party with whom it had long been a favorite topic to denounce the appointment of party committees by a Democratic Speaker—the inquisitorial secrecy of that Committee—

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the gross and palpable manifestation of the lowest spirit of partisanship which characterized all its proceedings—the violation of every principle of justice and fair dealing towards Mr. Hoyt, who was compelled to memorialize Congress for redress against the outrageous indecency of his persecution at their hands—the miserable contrast between the performance of the campaign and the promise of the manifesto—the disproportion between the foundations of evidence and the superstructure of "conclusions" derived by the Committee, insignificant as were even the latter in comparison with what their party had been taught to expect—the publication of four copies of the "report and conclusions," of their ingenious and unscrupulous prosecuting lawyers, for every one copy of the *evidence*—the virtual acquittal of the Secretary of the Treasury, of all the heinous charges that had been so furiously urged against him, and the abashed abandonment of all word or idea of *impeachment*,—all these things the country sees, standing too clearly in the light of day to be misunderstood, and they shall be made to appear yet more distinctly in our next Number. And well therefore may we say, with the confession made by some of the more candid and liberal of our opponents in Congress itself, before they left Washington, that the whole affair was a "*miserable failure*;" in verification of which it is sufficient for us here to refer to the apathy and silence with which it has been received by the Whig press itself, to which it was intended to afford the stimulating aliment to sustain their cause through the elections of the present year.

New Hampshire has nobly led off the ball, and by her Democratic majority *doubled*, in comparison with that of last year, has expressed *her* opinion upon the case submitted to her vote by this grand abortion of a party demonstration against the distinguished citizen from the "Granite State" who represents the Democracy of New England in the present Administration. We confidently predict that her example is but the prelude to a brilliant series of triumphs which will well repay it for its long and noble endurance of the ordeal of past adversity.

The policy of the Whigs is evidently now to hope for another convulsion of the paper money system by the time of the next Presidential election; and in the mean time to consolidate their union with the Conservatives, which may already be fairly regarded as complete, and to keep up what agitation may be in their power on the subject of the public defalcations. Hence their refusal to pass Mr. Wright's Bill, which, by precluding almost the possibility of future defalcation, would have marred the success of this patriotic policy. They are also fast settling on Mr. Clay as their candidate, in accordance with the assurance we have more than once given them, that, desperate as is his chance, especially in the South

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and West, neither of their other candidates can indulge even the faint hope which his sanguine temperament may yet possibly reserve to him. We have spoken of them as a *party*, yet they appear scarcely entitled to the name, avowing no distinctive principles nor distinctive measures. They are a mere Opposition, which is nothing else than mere faction. Their single cry is, as we recently observed it stated in one of their papers, "*turn out the rogues!*" evading and avoiding all the distinct issues on large principles on which the Democratic party found their party organization, and which, uniformly cherished, proclaimed and pledged, constitute the political character of the Administration. Now, we put it to the good sense of the candid of our opponents—can even the slightest chance of success attend efforts so avowedly prompted by the sole motive of an unholy ambition for power and place, against an Administration already so securely established in the confidence and affections of the great Democratic party of the country, and to the patriotism, moderation, discretion and integrity of whose chief they have themselves found themselves forced, at the close of the late session, to render so signal and unanimous a testimony?

THE OLD OAK TREE THAT GRACED THE LAWN.

How bright the scenes of boyhood's days
  On manhood's memory remain!
Aye, like the nurse's cradle lays,
  They live 'mid sorrow, want, and pain.
And as some object o'er the rest
  Across the vision brighter steals,
A chord is woke in memory's breast
  That every later sorrow heals;
And though a wanderer from the spot,
  'Mid waving groves and blushing flowers
I see my father's cheerful cot,
  As lovely as in childhood's hours;
When, soul enlivening, rose the sound,
  At golden eve and purple dawn,
Of rosy children sporting round
  The old oak tree that graced the lawn.

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The verdant mead where cowslips bloomed—
  The stile before the forest way—
The pond where oft the bittern boomed,
  When twilight spread her mantle grey—
The river where the silver trout
  Leaped up to catch the gilded fly—
The mossy mill whose turn-about
  Sent the dark waters foaming by—
The Indian's grave upon the hill,
  O'er which the fragrant wild rose blush'd—
The forest shade, so cool and still,
  Where 'mid the moss the fountain gush'd—
The haunted ruin on the plain—
  The sylvan dell where slept the fawn—
The village church with humble fane—
  The old oak tree that graced the lawn.

There is a love that lights the soul,
  That lives when all things else decay,
It hovers o'er the sparkling bowl,
  And turns the maniac's ire away;
It lives amid the polar gloom,
  It brightly gleams in distant isles,
It hangs above the loved one's tomb,
  And lights the cheek of grief with smiles,—
It is the love of boyhood's home,
  Where newborn fancy breathed the air,
Where, ere the foot began to roam,
  The young ear heard a mother's prayer.
The din of war, the song of love,
  A life upon the stormy main,
These, these may teach our feet to rove,
  Till weary life is on the wane—
Still dearly then we hail the sound,
  At golden eve and purple dawn,
Of rosy children sporting round
  The old oak tree that graced the lawn!

J. E. D.

WASHINGTON, D. C.

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THE SUN OF THE CONSTITUTION.

["One extract, only, we are tempted to make. It is the last sentence of the Work thus sealed up for fifty-two years. And we give it not merely for the striking and interesting anecdote which it contains, but to share with the thousands who will now see it for the first time the exultation that must come home to every bosom, in the feeling that the prophetic emblem of Franklin has been so completely verified in an amount of national greatness, prosperity, happiness, and honor without a stain, never reached, nor even approached by any human community in the same space of time. May the sun that rose on that day never go down!

"Whilst the last members were signing, Doctor Franklin, looking towards the President's chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters found it difficult to distinguish in their art a rising from a setting sun.

"'I have,' said he, 'often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that sun behind the President, without being able to tell whether it was rising or setting. But now, at length, I have the happiness to know that it is a rising, and not a setting sun.'"—*Democratic Review, March*, 1839. *Article on the Madison Papers.*]

'Twas at the hour of summer eve,
The day its brightest death-smile gave,
When they, the mightiest to achieve,
Their signets to our charter gave,
A noble band in yonder hall,
Obedient to their country's call.

Behind the chair where sage debate
Was well controlled by Washington,
Appeared, as if hung out by fate,
A pictured image of the Sun—
That emblem, would it set or shine?
What patriots's eye could then divine!

And he, the sage, at whose command
The forked lightnings left their play,
Was there, and traced with steady hand
A name that ne'er shall pass away:
And when the glorious task was done,
Said proudly—"'tis a *rising* sun!"

Yes, now the gloomy hour was o'er,
And this was Freedom's brightest day;
Hope lighted up all hearts once more,
And fears like phantoms passed away;
A gentle spirit hovered there,
With silence deep as that of prayer.

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Aye, 'twas a rising sun that peered
  Above those purple pictured hills,
A sun whose ray of splendor cheered
  The freemen by their distant rills:
A sun whose beams shall never set,
Though nations shall their names forget.

Earth's latest age shall feel its ray,
  And millions warm beneath its smiles;
On mountain's peak its gleam shall play,
  And gladden the remotest isles;
The fetter'd serf shall feel its power,
While Kings turn pale, and Tyrants cower.

As when amid chaotic night,
  When earth came rolling, void of form,
Jehovah said, "let there be light,"
  And light came streaming from the storm:
So streamed the ray from yonder sun,
When Freedom's title-deed was done.

'Tis here—'tis there—it fills the world,
  Though strangely rising from the West;
Fierce lightnings from its face are hurled,
  To scathe the Tyrant's gleaming crest:
And tho' it rose o'er hills of blood,
The Magi blessed its dazzling flood.

PHILADELPHIA.

MONT CÉNIS.

FROM THE RECOLLECTIONS OF A TRAVELLER.

An interesting ride, enlivened only by a distant view of the smaller Alps, conducted us from Lyons to Pont Beauvoisin. Through this village flows the Guir, a small river which is here the boundary between France and Savoy. You step as it were from one country into the other. Our carriage being detained a long time by those natural enemies of the traveller, the *douaniers*, or custom-house officers, my companion and myself determined to

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proceed on foot until we should be overtaken. In the heyday of youth and spirits, and thirsting with a curiosity which nothing could slake, we could not restrain our eagerness upon entering this celebrated region. The Alps our highway, and Italy our goal, this was more than the finition of a school boy's dream. All this

——a realized romance
Had opened on our eager glance;
What present bliss!—what golden views!
What stores for years to come!

We had scarcely walked half an hour when we found ourselves among the outer range of Alps, and a scene of equal novelty and grandeur presented itself to the admiring vision. Lofty and precipitous mountains, skirted with craggy rocks and overhanging firs, rose in silent majesty around, while at their feet the foaming Guir, as if indignant at the narrow limits of its channel, dashed along with tumultuous haste. Now lost under an arch of impending rocks, it seemed to sink into the bowels of the earth, then emerging suddenly from its subterranean prison, it again dashed along with clamorous precipitance. Numerous cascades tumbled from cliff to cliff, and when viewed from a distance seemed to streak the sides of the hills as with silver bands. The road itself was an object of wonder. It wound along the sides of the mountain, in which it had been hewn with vast labor, forming a kind of a terrace, the edge of which was protected by a stone parapet. From this ledge, the summit seemed to tower to the very skies, while the dizzy sight gazed with a feeling approaching to terror upon the abyss which frowned a thousand feet below. There was no sign of habitation, no voice was heard save that of the torrent. Never having visited a mountainous region, the spectacle was as novel as it was imposing, and awakened emotions of solemnity and admiration. We had just been traversing the monotonous plains of France, and the transition was great to the stupendous scenes which now suddenly environed us. It has been said that among the mountains we are nearer to God, and their first impression upon me, certainly partook of the religious sublime. By degrees the grander features of the scene subsided, and we emerged at length into a valley beyond which arose mountains of still greater altitude. Descending into the intervening vale, we passed through several villages, inhabited by a hardy race, who force from the stubborn soil, by sheer dint of labor, the frugal pittance which it reluctantly yields. Entering several cottages, I was shocked by the picture of squalid poverty which they presented, and saw little to envy in the condition of these hardy mountaineers, save the blessings of health and cheerfulness. The people of our favored country, where fertile land is found in superfluous abundance, have little idea of the straits to which older and less fortunate regions are reduced.

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We soon began to ascend the second range of mountains, and had not advanced far when we came to a passage or tunnel, hewn or blown through the solid rock, of considerable length and ample height, illumined throughout by lamps suspended from the roof. This, if my memory is accurate, is one of the enterprises of Napoleon, under whose auspices the Mont Cénis road was constructed, or at least completed. In many points I am disposed to think that it rivals the celebrated Simplon, which I crossed upon my return from Italy. Louis the Fourteenth is said to have exclaimed, in allusion to the fact that the throne of Spain was occupied by a French prince, that there were no more Pyrenees. Bonaparte might have said with more literal truth, that there are no more Alps. The Simplon and the Mont Cénis are in fact, two grand highways which unite regions that nature seemed to have separated by insurmountable barriers. These proofs of wonder-working power have survived the transient dominion of their author, and will prove the most enduring monuments of his greatness. They are inscriptions graven in colossal characters upon the everlasting hills. Had he concentrated his mighty genius and vast resources upon works of public and permanent utility, instead of pursuing with insatiable avidity his boundless schemes of ambition, he might in a measure have changed the face and remoulded the features of his vast empire. Yet this is narrow reasoning, for without his military prowess and dazzling conquests he had acquired neither the means nor the effect to accomplish great improvements. The magnificent project of universal empire has been attributed to him, and may have sometimes dazzled his eye, like the star which, invisible to others, was discerned by his vision alone. Had this supposed dream been realized, what might not have been expected from his boundless spirit of enterprise and unwearied energy of action, operating upon so extensive a scale? As it is, he accomplished much both morally and physically; much beyond empty victories and sanguinary trophies. His contemporaries were the chief sufferers by his faults; the benefits of his labors are reaped by posterity. But to return from this episode.

We slept the first night at Chambéry, a pretty town, the capital of Savoy, and a place of no little historical interest. It was attractive to me chiefly as the youthful residence of that eccentric and gifted being, Jean Jacques Rousseau, and the scene of his singular adventures with Madame de Warens, so eloquently described in the first book of his Confessions. Her dwelling, a little country house and garden, called *les Charmettes*, is just without the town. Genius throws a charm around the most insignificant objects. It consecrates every thing which it touches, and its enduring associations speak more to the soul than the loveliest attractions of nature. We left Chambéry the next morning, and at every step we

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took the scene became more striking and majestic. I was shocked, however, at the repulsive subjects of *goitre* and *crétinism* which frequently met our view, as well as at the squalid appearance generally presented by the peasantry of these regions. Man is the paramount object of the creation, and the grandest or loveliest scene fails to please, when it is not favorable to human happiness or dignity. These people are, however, like all mountaineers, remarkable for their attachment to their country. Most of them repair, when mere children, to Paris and other large cities, where they follow various employments, and are much esteemed for their industry and integrity. Nearly all the water-carriers, messengers, &c. in the French metropolis, are Savoyards, or from the mountains of Auvergne. Groups of them are often met with, at a very tender age, wending their way to the capital. When, after long years of patient industry, they have succeeded in accumulating a few thousand francs, they generally return to their country, purchase a cottage and a small spot of ground, marry, and then turn out their children to pursue the same traditionary career.

The town of Montmélian, through which we passed this day, is perched like a nest upon a craggy height which overhangs a deep ravine, through which flows the river Iser, with turbulent velocity. Aiguebelle, which we also traversed, is supposed to be the site where Hannibal fought his first battle with the Allobrogi, who destroyed a part of his rear guard. Here also the Duke Don Philip of Parma, at the head of the French and Spaniards, engaged with the troops of the King of Sardinia. At St. Jean de Maurienne, another town on our right, Charles the Bald, son of Louis le Débonnaire, and grandson of Charlemagne, died, said to be poisoned by a Jewish physician. Thus every place has its historical event, or interesting tradition.

We now entered the high Alps, and a scene of unrivalled grandeur and sublimity unrolled itself. Mountains whose towering summits seemed to scale the very heavens, cloud-piercing peaks, "where wings alone can travel," overhanging precipices, dark and solitary forests, tremendous abysses, echoing the hollow roar of the torrent or the rebounding voice of the cataract, combined to impress the mind with a feeling of awe for which words have no utterance. Amidst the "the interior Alps, gigantic crew," I felt myself a feeble and insignificant being, overwhelmed by a sense of the littleness of man, the majesty of nature, and the power of God. And yet

> What are they but a wreck and residue,
> Whose only business is to perish? true
> To which sad course, these wrinkled Sons of Time
> Labor their proper greatness to subdue.
> Speaking of death alone beneath a clime,
> Where life and rapture flow in plenitude sublime.

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In confirmation of the sentiment of the poet, the following remarks of an eminent geologist may be cited: "If, in contemplating," says Dr. MacCulloch, "the towering peaks and the solid precipices of an Alpine region, braving the fury of the elements and the floods of winter, the spectator is at first impressed with the character of strength and solidity which nature here seems to have conferred on her works, it requires but a moment's reflection, to show that every thing around him bears the marks of ruin and decay. Here he learns to withhold his regret at the perishable nature of all human labors,—at the fall of the strong tower and the solid pyramid,—when he sees that the most massive rocks, those mountains which seem calculated for eternal duration, bear alike the marks of vicissitude and the traces of ruin." With sudden transition, the scene whose stillness had been hitherto disturbed by no sound save the monotonous voice of waters, awoke as from a profound lethargy, and gave terrific signs of life and motion. Whirling masses of clouds enveloped all but the summits of the loftiest peaks, the deep-mouthed thunder bellowed among the rocks, and vivid flashes of lightning succeeded each other in rapid succession. As the thunderbolt leapt from mountain to mountain, and the red lightning flew like shafts of vengeance among the echoing peaks, I could not help calling to mind the impious war waged by the fabled Titans against the majesty of Heaven. The quick, explosive shocks, which almost deafened the startled ear, were repeated by a hundred hills, until they died away in the prolonged moanings of the distant echo. Presently the tumult subsided, the tempest was hushed, the sun shot forth a kindly ray, the mists vanished, a delightful calm ensued, and the whole scene assumed a fairer and brighter aspect.

We slept this night at a pretty village called St. Michaels, and starting again at two o'clock, reached Lanslebourg, at the foot of Mount Cénis, a little after day-break. Here we determined to accomplish the passage of the mountain on foot, and accordingly set out upon an enterprise which we should probably have not undertaken, had we anticipated the labor which it involved. Mont Cénis is between six and seven thousand feet above the level of the ocean, and could not be traversed by carriages, until the construction of the new road which I have described. At intervals, houses of refuge are placed, occupied by persons in the employ of the government, who keep the way in repair, and administer succour to the erring or weary traveller. Though somewhat advanced in the month of April, more than the upper half of the mountain was still covered with snow, in some places accumulated to an enormous depth. After toiling a considerable time, we at length arrived, very much fatigued, at the summit, which is a large platform surrounded by an amphitheatre of elevated peaks. Here, then, is a lake, filled with excellent trout, which at the period of our visit, was entirely

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covered with ice and snow. There are also several public edifices, among others, a post-house, barracks, and a monastery. We stopped about half an hour, at the first of them, to obtain a little repose and refreshment after the fatigues of our morning's journey. This elevated plain is said to be a delightful retreat in summer, when it is covered with verdure, and blooming with a great variety of Alpine herbs and flowers, which afford pasture to numerous flocks of sheep and goats, from whose milk an excellent cheese is made. The aspect, however, which it presented at this season was most dreary, and I should regard a residence on the summit of Mont Cénis as little better than a Siberian banishment. In the winter the passage is frequently interrupted for days, and accidents not unfrequently happen from the *tourmente* or Alpine tornado, and, at a later season, from the fall of avalanches. The "difficult air of the iced mountain top" may be breathed here in perfection throughout the greater part of the year.

The prospect of loftier hills, covered with perpetual snow, is very imposing, from this very elevated table. The solitary grandeur and tranqui l majesty of their dazzling summits, "far lifted towards the unfading sky," fill the spirit with solemn admiration.

But to describe the reflections or emotions awakened by such a spectacle the language of prose is tame, and I must therefore call to my aid the following lines, than which the whole range of descriptive poetry does not contain a nobler passage:

"But now with ether mind I stand alone,
Upon the summit of this naked cone,
And watch from peak to peak, amid the sky,
Small as a bird, the chamois-chaser fly,
Through vacant worlds where Nature never gave
A brook to murmur or a bough to wave;
Which unsubstantial phantoms sacred keep;
Through worlds where life, and sound, and motion sleep;
Where Silence still her death-like reign extends,
Save when the startling cliff unfrequent rends;
In the deep snow the mighty ruin drowned,
Mocks the dull ear of Time with deaf abortive sound
'Tis his, while wandering on from height to height
To see a planet's pomp and steady light
In the least star of scarce appearing night,
While the near moon that coasts the vast profound,
Wheels pale and silent her diminished round,
And far and wide the icy summits blaze,
Rejoicing in the glory of her rays.
To him the day-star glitters small and bright,
Shorn of its beams, insufferably white,
And he can look beyond the sun, and view

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Those fast receding depths of sable blue,
Flying till vision can no more pursue!" *

Again:

"And oft when passed that solemn vision by,
He holds with God himself communion high,
Where the dread peal of swelling torrents fills
The sky-roofed temple of the eternal hills;
Or when, upon the mountain's silent brow
Reclined, he sees above him and below
Bright stars of ice and azure fields of snow;
While needle peaks of granite shooting bare,
Tremble in every varying tint of air;
Great joy, by horror tamed, dilates his heart,
And the near heavens their own delights impart.
When the sun bids the gorgeous scene farewell,
Alps overlooking Alps their state up-swell;
Huge Peaks of Darkness, named of Fear and storms,
Lift all serene their still illumined forms,
In sea-like reach of prospect round him spread,
Tinged like an angel's smile all rosy red." *

Resuming our journey, I had the good fortune, my companion having preceded me, to fall in with some honest Savoyards, who make it a business to accompany travellers who may stand in need of their services. I found them simple and communicative, and they furnished me with much information concerning these romantic, or, rather, savage regions and their hardy inhabitants. Their language, which is a sort of Italicized French, is not unpleasant nor difficult to understand. The reflection of the sun's rays upon the dazzling surface of the snow painfully affected the eyes, and produced an acute headache, which, combined with the fatigue of this toiling pedestrian journey, rendered the assistance of these sturdy mountaineers very seasonable. Indeed I know not what I should have done had they not lent me their arms, and almost borne me along during the latter part of the route. Being familiar with all the localities, they would frequently leave the main road and thus shorten our tedious journey. Their agility and firmness of step amid ice and snow and shelving rocks, were not a little remarkable. Sometimes they would amuse me by dropping upon their haunches, paddling themselves along with their hands, and then rapidly gliding down the steep declivities covered, with hard polished snow. The southern descent of Mont Cénis, as is the case with all the Alps, is more rapid than the northern, and is rendered difficult by numerous precipices, glaciers, cascades and torrents.

At length, as the road took a sudden turn, my eyes were cheered

* Wordsworth's Descriptive Sketches.

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with a distant view of the plains of Italy. It will be readily believed when I assert that my spirit glowed, and my heart leaped within me at the prospect. I felt something of the ardor of the soldiers of Hannibal, when after long fatigues and countless dangers their leader pointed to them the fair regions which they had sought through so much difficulty and hazard. I beheld with indescribable emotion the verdure of the fields, the bloom of the trees and all the delightful garniture of spring. Above and around me was winter in its dreariest forms and most desolate aspect, while at my feet, and almost within my reach, the earth was green with herbage, the branches fringed with verdure and fragrant with blossoms. I felt my vigor renewed by the prospect, and seemed to breathe a softer air and inhale a balmier influence as I descended towards the land of promise. Italy (what a charm in the very name!) the land of a thousand ennobling recollections, theme of my most delightful studies, scope of my fondest aspirations, was now before me, fair as if painted by fancy, lovely as if pictured in a dream. I could not restrain my impatience, and besought my guides to hasten our steps, and if practicable curtail our route. They accordingly conducted me through a rugged path, sometimes formed by the bed of an exhausted torrent, at others following the declivity of a shelving rock, down which we glided with rapid step. I no longer observed the scenes around. My eyes were bent only before and beneath; every other feeling was absorbed by the avidity with which I hastened forward.

We at length reached the foot of the mountain and soon approached a village, when the first object that saluted my view was a religious procession. The fair train of peasant girls arrayed in white and decked with flowers, the holy insignia borne aloft, the solemn chaunt of the priests in the early calm of twilight, combined to produce an impression that was as pleasing as it was in harmony with my feelings. Passing on we did not arrive at the town of Susa until the shades of evening had fallen around. As we entered the suburbs my attention was arrested by a friar, clothed in a robe of dark serge, girt with a cord, his feet shod with sandals, and bearing in his hands a missal. His person was tall, his air dignified, his countenance calm and devout, and his whole aspect saintly and venerable. I had never before seen a monk, and I therefore gazed upon him with a mixture of curiosity and awe. The beauty of the country, the balmy softness of the air, the accents that fell upon the ear, and still more the solemn chaunt, the procession, and the dark-robed Franciscan, made me feel that I was indeed in Italy. Having parted from my faithful companions, I need not say how welcome was repose after a pedestrian journey, such as I have described, of from twenty to twenty-five miles, the distance from Lanslebourg to Susa.

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A SOLDIER'S STORY.

"Draw aside the canvass, Lascelles. Let me gaze once more upon that lovely scene."

The words were spoken in a faltering voice, by a young man stretched upon a camp-bed in one of those small but elegant tents, which the ingenuity of sutlers have adapted so admirably, in lightness and convenience, to the rapid movements of modern warfare; and were addressed to one in the undress uniform of a British officer, who stood or rather leaned against the bed, his arms folded upon his breast in an attitude of thoughtful melancholy. One other individual whose equipment betokened high regimental rank, sat upon a chest near his head, and watched in silence, but with strong interest, the countenance of the invalid, to which, perhaps, the pale and fitful light of a small lamp beside him lent an expression of more deep-seated anguish than he felt. The military surgeon leaned over him, his fingers professionally resting upon the pulse, and his features betraying an anxiety he was half unable to conceal, from the weak and languid motion they encountered. There was a solemnity in the silence of the group, which was deepened by the interest with which all listened to the simple request of the patient; and to those who know the obtuseness which in a time of war is created by mere frequency of occasion towards the wounded, even in the most tender, there was something touching in the alacrity with which the two officers went stealthily forward; and each lifted a corner of the drapery which shut out the landscape from the view of their unfortunate young comrade. The surgeon assisted him as he raised himself in the bed and leaned upon his hand, gazing out upon the scene with a deep, quiet satisfaction which was visibly expressed in his pale features.

The scene was indeed lovely. The breezeless silence of that enchanting midnight which in these latitudes has been described by all travellers as unsurpassed for beauty, was broken along the banks of the Patuxent by the dull and heavy hum of a numerous army in repose, the waveless expanse of the moonlit river was covered with stately ships, and in the dim distance to which the glittering waters stretched, the tall frigate and the lighter transport cast their dark shadows on its bosom. Far, far along the deep indentations which formed the shore, the white tent and the rude sheiling disclosed in the rich moonlight the resting places of battalions resigned to the complete enjoyment of that unsuspected security in which large bodies are apt to indulge. The tread of the sentinel, his long repeated call, with the occasional dipping of oars as the boats

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passed silently to and from the ships, were the only and the fitting sounds that broke the silence of a scene, which, now for perhaps the first time since its creation, had the magnificent loveliness of nature aided in its effect by the most imposing array which man in his power could present.

The influence of the hour and the scene sunk deep into the souls of the little group in the tent, for the silence of their gaze rendered more oppressive the heavy and mortal breathings of the interesting young invalid whom they attended.

His situation, indeed, tinged the splendor of that midnight prospect with a melancholy, to which every individual in the circle seemed willing to resign himself. They formed part of one of the finest armies which had ever left the shores of England; and who, fresh from the triumph of conquering the soldiers who had vanquished Europe, saw themselves now about to enter upon a new and far from congenial warfare, with an enemy allied to them all by language, and to many of them by tenderer ties of kindred and affection,—whose defeat could hardly bring any glory to the dethroners of Napoleon, but whose former history, as associated with themselves, had brought to that very army their bitterest recollections of humiliation and disgrace. Tales of the unerring fatality of the American marksmen, and of the uncompromising hostility with which they regarded their invaders, were rife and hereditary in the British army—and the fate of the very first reconnoitering party, after they effected their landing, gave a convincing substantiation to such reports, which was sensibly felt by all to whom it was known. Charles Selby, a lieutenant attached to one of the light companies, and universally beloved throughout the regiment for his kind-hearted and generous disposition, had in the natural enthusiasm of youth and curiosity, shortly after they had landed, headed a few of his men, and ventured forward to explore the recesses of the American woods. No enemy was seen, no danger apprehended; but ere they proceeded far, one solitary shot rang through the forest stillness, and the instant fall of the gallant young officer proclaimed how fatally it had told. No other shot was fired,—nor could any exertions of the infuriated men discover the foe; and they had nothing left them but the dispiriting task of bearing back their dying leader to their quarters—and of reporting, with every accompaniment of imagination, among their comrades, how mysteriously and how unaccountably he had fallen.

Among his own immediate friends there was something far more affecting than ordinary sympathy, felt for the untimely fate of their comrade. That evening all the regimental officers in the army had, in observance of a previous arrangement, agreed to celebrate their landing by festal parties, which in the regiment of young Selby alone was prevented by the fatal and unexpected casualty which had prostrated one who had ever been the most joyous and most beloved

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among such companies; and in the melancholy which all felt as they crowded to testify their regret, they seemed to estimate his fate as but an earnest of their own.

After a time, as the night advanced, the tent was gradually deserted by all save the attached friend to whom the words with which we have opened our narrative were addressed. From their first acquaintance in the regiment, the intimacy of the two had been close and affectionate. Lascelles, a member of one of the first families in England, was generous as high-born, and shared his interest and his affections with the less fortunate, but more gifted Selby, who had joined the regiment in Spain, and was known to be the only son of a reduced, but ancient family in Ireland. Now, both felt as if they were enjoying the last of many pleasant interviews; and Lascelles experienced all the melancholy consciousness that in his cherished friend the lamp of life was now trembling to its extinction. He had sat himself down beside the bed, and with the already clammy hand of his friend pressed closely within his own, he gazed in silence upon his features, settling into that expression which never relaxes. The wounded officer seemed to feel the full danger of his situation, as he fixed his eyes with a painful effort upon the deeply affected countenance of his companion, and said in a tone, where almost inaudible weakness was yet tinctured with the last earnestness of life:

"Lascelles, my fate is sealed, but before I leave the world, there is one thing would make my passage easier to the tomb." He was only answered by a closer pressure of the hand. He continued, "Take this locket from my neck."

His friend gently disengaged a small miniature portrait from its gold chain, and took it in his hand.

"It is the likeness of my sister," he added with strong emotion, as he observed the other gazing at the picture with some curiosity. "You knew not until now of her existence—but seek her for me, and tell her from her brother, that he wore that next to his heart ever since he parted from her. She will find his likeness she most loved, painted on the reverse."

"Ah, Selby!" returned his friend, in a tone of that tender reproach which at such a moment friendship only could assume; "why did you reserve until such a bitter time the knowledge that you had a sister?"

"My mother," answered the dying youth, employing the last failing energy of life to press his friend's hand, as if to entreat his forgiveness, and to convince him that lack of confidence was not the cause, "my mother has some strange feelings as regards the world, and it was by her injunction that I never mentioned any particulars of my family. Obedience to her prejudices preserved the unimportant secret until now—but when life is so near its ebb, I

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have nothing to withhold, and no fear of my confidence being misplaced."

"You need not—it shall not," said his friend so softened by his warmth, that the tears dropt hot and fast upon the hand he still retained in his. "Your sister, and your mother too, will find in me a brother and a protector."

"Thank you! thank you, dearest Lascelles!" the expiring and gratified youth found strength to say, in tones faltering between agony and emotion; "your kindness smoothes the anguish of this dying bed—and I feel I can leave the world with less regret."

As he spoke, he leaned back upon the rude pillow, overcome by the exertion. There was a fulness of feeling in the heart of Lascelles, too deep to permit his breaking the silence that ensued—and both found occupation for their thoughts in gazing through the open tent upon a purer and a brighter sky than either had ever seen before. The full pearl-like moon, not such as they had been accustomed to, but large and dazzingly bright, held her stately march in heaven. That one solitary star which seems dearer and more radiant than all the rest, from its apparent contiguity, to the queen of night, had, while the same sympathy fixed the attention of each friend upon the object, its light obscured by a long curtain of cloud which passed slowly over its disc—while every other orb in the sky, untouched by the mist, still shone on undimmed and lovely as ever. Life in the young officer was fast retiring to its source, but consciousness was still awake, he directed his friend's attention to the sky, and while both gazed upon what at that moment was a touching phenomenon, the spirit of the early called had taken its flight; and like the curtained light of that emblematic star, the lamp of his young and warm life had ceased to glow;—but unlike it, had gone for ever.

For a few minutes, the dead silence of the grave was in the lonely tent. The young officer remained motionless and abstracted. His eyes were fixed upon the beautiful likeness of the sister thus awfully bereaved; but the hand of the living clasped in that of the dead, might have seemed to pledge a bond of protection, scarcely less sacred, and more delicate, than that of which she had been deprived.

It is not in the camp that such scenes can continue long, or leave a deep impression. Under no circumstances, however, could such one occur without searing a life-long trace upon the heart,—and when Lascelles rose up on the arrival of the surgeon, though the few usual words which might have been expected upon such an occasion were interchanged, yet the expression of his features as he hurriedly concealed the miniature, indicated that settled and wordless grief which exists only in the soul.

A few hours, ere yet the morning had dawned, saw the body of young Selby borne to his lonely and foreign grave, with all those

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touching ceremonials which in military funerals give to the most formal pomp a seeming of deeper sadness, than ever attends the ordinary obsequies of the dead. In the commencement of such a campaign, the full observance of the usual etiquette on such occasions would most probably have been dispensed with, but Lascelles took a solemn interest in causing their exact fulfilment in the burial of his friend. There was an imposing and sad romance in the ceremonials of that midnight procession. The first death in an army where so many were soon to fall—his youth, his bravery, his station—made the fate of Selby the subject of wide commiseration; and thousands of hardy soldiers who had seen death in every shape, and mingled, times unnumbered, without a thought in such pageants as the present, gathered round the tent while the few and simple arrangements for the funeral were going on. Scanty, indeed, for the affection of Lascelles were all the conveniences he could obtain. On a few rude planks he stretched the body of his friend—forming with his military cloak the only pall he could procure. Then with proud minuteness he placed the cap and sword which had been bravely worn upon the bier, and having himself formed the men into their ranks, he wrapped his cloak around him, and with emotion that almost choked him, gave the order for the march. Slowly and sadly, they moved along,—the measured tread of the long array according solemnly with the mournful music of that hymn always used upon the occasion, of which the thrilling pathos gives almost sublimity to grief. Many other officers fell into the procession, but to Lascelles was accorded the melancholy precedence of following the bier. Deeply as he felt, he walked firmly on until the procession, striking through the woods, halted in an open and sequestered bay, about a mile from the camp. There, as the last tones of the funeral strains died upon the moonlit wave—and the forest echoed with the report that told all was over—the full consciousness of the hapless fate of his friend gushed for the first time into his mind, and he gave way to an excess of grief, to which all who were present accorded the grateful sympathy of leaving him alone.

The reveillée had been long sounded, before Lascelles returned to the camp, and then his features bore little outward indication of the sorrow at his heart. With a double and restless activity he engaged in the duties of his regiment, and when the order for the army's march had been given, he felt in the hope of speedy vengeance which it held out to him, the first and only sense of animation he could enjoy.

The events of the memorable campaign which followed, are not for such a tale as this. To the British army it was one of toil and danger and disaster, but Lascelles went through all unhurt; and distinguished himself on every opportunity that offered. Honored by his general's approbation, and indulging in all the warm hopes which the delights of *home*, and the uninterrupted enjoyment of

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peace, offer to the soldier after a protracted absence, Lascelles returned to the proud seat of his fathers, in England, one of the happiest of mortals, and soon forgot all the toils and distresses of a foreign warfare in the sweet enjoyments of domestic society. Efforts he made to discover the sister of the unfortunate Selby, whose death had affected him more perhaps than any other event of his life; but they were ineffectual; and with that ready facility which present happiness creates in ill-regulated minds, the promise to his buried friend which he had made in the solemnity and full purpose of his heart, was, if not forgotten, at least completely neglected. Often, indeed, in his listless moments, when accident would bring it before him, he would gaze at the miniature bequeathed to him with such an affecting trust, with deep interest, and feel as he gazed a return of those feelings which at the painful time of their occurrence were so completely sacred and absorbing. There was much in it to give even a holiness to such sensations in hearts far more warped by the usages of the world than was that of Lascelles. It was a masterly effort of the pencil, and represented a beautiful girl at that time of life when the child is lost in the dawning consciousness of the woman. Her age might be about fourteen; and while fine rich clustering curls, pensive blue eyes, and features delicately fair, made up a picture which any one would call pretty, and on which the eye would delight to linger, the painter with consummate art had caught each varying indication of unformed character, and made them shed over her countenance that fascinating expression whose memory continues to haunt the soul like some idol of idea. To all this, which had a claim only upon feelings which he held in common with the careless and the cold, Lascelles could not help perceiving, softened and as it were spiritualized in the exquisite features of his sister, the very appearance even to the minutest expression of his lamented friend. The resemblance was so close that it would have struck any who had ever known Selby. There was something in it more than mere family likeness—the same soul seemed to speak from the eyes of both—the same sentiments and disposition to animate each; and the strong recollections which would be thus forced upon his mind, of the noblest being he had ever known, would beget in the imagination of the aristocratic Lascelles a thousand indefinable feelings, which, however, generally ended in inaction and self-reproach. The higher society of England is perhaps more essentially exclusive and aristocratic than that of any other land; and the extensive proprietor, esconced in his magnificent residence, and surrounded by walled domain, maintains intercourse only with his equals, and never admits to his privileged abode the less favored whom rank has made his inferiors in society. If the heir of such a family, in the university or the army, when apart from conventional claims to respect, forgot the usual maxims of his order so far as to choose his

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associate, or perchance to make his friend, from a class which the parlance of the world would call inferior to his own, though the high-mindedness of inherent honor might withhold from such friend, under such circumstances, no confidence and no familiarity, still upon a separation, when the one, as in the instance of our tale, may be cut off by death or would remingle unnoticed with his fellows, and the other returns to his lordly seat, becomes treated with habitual deference, and resumes the systematic opinions of his *set*,—it is hardly in human nature, but that ties so formed will be weakened, or at all events, removed from that perfect equality in which alone such connections can exist. It was thus that if ever Lascelles, whose heart was naturally generous, but whose habits were formed according to all the feelings and customs of his caste, in the influence of the strong and attached friendship which he had formed in the early romance of situation, warmed to the noble qualities of the hapless Selby, and formed personal wishes, involving his beautiful and unprotected, perhaps unprovided sister—and if, when at times gazing upon her exquisite likeness in his possession, he felt his soul soften to touching thoughts, or expand with generous projects—the instant influence of habit would neutralize the feeling, and acquired lessons of duty to station and connexions would make him instantly shrink within the narrow circle of his selfish privileges; and then the portrait would be laid aside, and the solemn and affecting duty he had self-incurred would be, not forgotten, but again and indefinitely postponed. Was the disposition of Lascelles to blame, or his rank? Both had their share. The prejudices of the one had modified the good qualities of the other—and produced that apathy of character, which under some circumstances, and without really bad intentions, has all the effect of crime. Left to his own unassisted feelings, without the extrinsic allurements of his every-day life to distract, or corrupt them—they would all have become, if not personally moved, at least intensely interested, in the redemption of that solemn vow pronounced to the dying, and now doubly incumbent on him as a pledge to the dead.

Circumstances soon proved that this was essentially the case. His regiment was ordered to Ireland; and now that duty opened the path to conscience, Lascelles felt his mind relieved from a pressure which had long given him almost insupportable uneasiness. He hastened to his quarters, and endeavoured by every means in his power to discover the family he was in search of. But removal to the country where they resided, did not facilitate his success; and after several ineffectual trials, judging they had either left the country, or retired to some obscure situation, he gave up the attempt in despair; and after some time, he ceased altogether to think of his friend or his request, save as an affecting incident in his military recollection.

[TO BE CONTINUED.]

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THE FRANCONIA MOUNTAIN NOTCH.

NEW HAMPSHIRE.

The blackening hills close round—the beetling cliff
On either hand towers to the upper sky—
I pass the lonely inn—the yawning rift
Grows narrower still, until the passer-by
Beholds himself walled in by mountains high,
Like everlasting barriers, which frown
Around, above, in awful majesty—
Still on, the expanding chasm deepens down,
Into a vast abyss which circling mountains crown.

The summer air is cooler, fresher, here—
The breeze is hushed, and all is calm and still—
Above, a strip of the blue heaven's clear
Cœrulean is stretched from hill to hill,
Through which the sun's short transit can distil
No breath of fainting sultriness;—the soul
Imbued with love of Nature's charms, can fill
Itself with meditation here, and hold
Communion deep with all that round it doth unfold.

Thou, reader of these lines, who dost inherit
That love of earth's own loveliness which flings
A glow of chastened feeling o'er the spirit,
And lends creation half its colorings
Of Light and Beauty—who from living things
Dost love to 'scape to that beatitude
Which from converse with secret Nature springs,
Fly to this green and shady solitude,
High hills, clear streams, blue lakes, and everlasting wood!

And as thou musest 'mid these mountains wild,
Their grandeur thy rapt soul will penetrate,
Till with *thyself* thou wilt be reconciled,
If not with *man*—thy thoughts will emulate
Their calm sublime—thy little passions—hate,
Envying and bitterness—if such be found
Within thy breast—these scenes will dissipate,
And lend thy mind a tone of joy profound,
An impress from the grand and mighty scenes around.

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Here, doth not wake that thrill of awe—that feeling
Of stern sublimity, which overpowers
The mind and sense of him whose foot is scaling
The near WHITE MOUNTAIN NOTCH'S giant towers;
Here, is less grandeur, but more beauty—bowers
For milder, varied pleasure—in the sun
Blue ponds and streams are glancing, fringed with flowers,—
There, all is vast and overwhelming—one
Is LA FAYETTE—the other, matchless WASHINGTON! *

Great names! presiding spirits of each scene,
Which here their mountain namesakes overlook—
'Tis well to keep their memories fresh and green
By thus inscribing them within the book
Of earth's enduring records, where will look
Our children's children,—till the crumbling hand
Of time wastes all things, every verdant nook
And every crag of these proud hills shall stand
Their glory's emblems, o'er our broad and happy land!

Where a tall post beside the road displays
Its lettered arm, pointing the traveller's eye,
Through the small opening 'mid the green birch trees,
Towards yonder mountain summit towering high—
There pause—what doth thy anxious gaze espy?
An abrupt crag hung from the mountain's brow!
Look closer!—scan that bare sharp cliff on high
Aha! the wondrous shape bursts on thee now!—
A perfect human face—neck, chin, mouth, nose and brow!

And full and plain those features are displayed,
Thus profiled forth against the clear blue sky,
As though some sculptor's chisel here had made
This fragment of colossal imagery—
The compass of his plastic art to try.
From the curved neck up to the shaggy hair
That shoots in pine trees from the head on high,
All, all is perfect—no illusions there
To cheat the expecting eye with fancied forms of air!

Most wondrous vision! the broad earth hath not
Through all her bounds an object like to thee,
That traveller e'er recorded, nor a spot
More fit to stir the poet's phantasy—

* The names of the two highest peaks, one of the Franconia, the other of the White Hills. The two groups are about twenty miles distant from each other.

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Gray Old Man of the Mountain—awfully,
There from thy wreath of clouds thou dost uprear,
Those features grand—the same eternally—
Lone dweller mid the Hills! with gaze austere
Thou lookest down, methinks, on all below thee here!

And curious travellers have descried the trace
Of the sage Franklin's physiognomy
In that most grave and philosophic face—
If it be true, Old Man, that we do see
Sage Franklin's countenance, thou indeed must be
A learned philosopher most wise and staid,
From all that thou hast had a chance to see,
Since Earth began—here thou, too, oft hast played
With lightnings, glancing frequent round thy rugged head.

Thou sawest the tawny Indian's light canoe
Glide o'er the pond that glistens at thy feet,
And the White Hunter first emerge to view
From up yon ravine where the mountains meet,
To scare the Red Man from his ancient seat
Where he had roamed for ages, wild and free.
The motley stream which since from every state
And clime through this wild vale pours ceaselessly,
Travellers, gay tourists, all have been a theme to thee!

In thee the simple-minded Indian saw
The image of his more benignant God,
And viewed with deep and reverential awe
The spot where the Great Spirit made abode,
When storms obscured thee, and red lightnings glowed
From the dark clouds oft gathered round thy face,
He saw thy form in anger veiled, nor rowed
His birchen bark, nor sought the wild-deer chase,
Till thy dark frown had passed, and sunshine filled its place.

Oh! that some bard would rise—true heir of glory,
With the full power of heavenly poesy,
To gather up each old romantic story
That lingers round these scenes in memory,
And consecrate to immortality—
Some western Scott, within whose bosom thrills
That fire which burneth to eternity;
To pour his spirit o'er these mighty hills
And make them classic ground, thrice hallowed by his spells!

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But backward turn—the wondrous shape hath gone—
The round hill towers before thee smoothly green—
Pass but a few short paces further on,—
Nought but the ragged mountain side is seen,—
Thus oft do earthly things delude, I ween,
That in prospective glitter bright and fair,
While time or space or labor intervene—
Approach them, every charm dissolves to air,
Each gorgeous hue hath fled, and all is rude and bare!

And trace yon streamlet down the expanding gorge,
To the famed Basin close beside the way,
Scooped from the rock by its imprisoned surge,
For ages whirling in its foamy spray,
Which issuing hence shoots gladly into day,
Till the broad Merrimack it proudly flows,
And into ocean pours a rival sea,
Gladdening fair meadows as it onward goes,
Where, 'mid the trees, rich towns their heav'nward spires disclose.

And further down, from Garnsey's lone abode,
By a rude footpath climb the mountain side,
Leaving below the traveller's winding road,
To where the cleft hill yawns abrupt and wide,
As though some earthquake did its mass divide
In olden time—there view the rocky Flume—
Tremendous chasm—rising side by side,
The rocks abrupt wall in the long, high room,
Echoing the wild stream's roar, and dark with vapory gloom.

But long, too long, I've dwelt as in a dream,
Amid these scenes of high sublimity—
Another pen must eternize the theme
Mine has essayed, though all unworthily.
Franconia, thy wild hills are dear to me—
Would their green woods might be my spirit's home!
Oft o'er the stormy waste of memory
Shall I look back, where'er I chance to roam
And see their shining peaks rise o'er its angry foam!

H.

Lancaster, N. H.

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EARLY AMERICAN TRAVELS.

FATHER HENNEPIN.

(*Concluded from page* 209.)

On the twenty-ninth of February, 1680, Hennepin, with two of the men, left Fort Crevecœur, provided with a calumet and presents for the Indians. Old Father Gabriel bestowed on him a solemn benediction in the words of Scripture—*Viriliter age et confortetur cor tuum.*

The Indians whom they met with on their voyage down the Illinois river endeavoured to dissuade them from the continuance of their enterprise; and Hennepin's companions were so impressed with what they heard, that they concluded to go off with the canoe and abandon him, as they confessed on the following day.

A tribe called *Tamaroa*, or *Maroa*, dwelling at the mouth of the Illinois, invited the travellers to land and visit their village, and on their refusal pursued them—judging from their bearing arms that they were about to join their enemies. The lightness of their birch-bark canoe enabled them to escape, and the discovery of some smoke from a projecting point of ground in their front, betrayed to them an ambuscade which the Indians had made to intercept them.

The latitude of the mouth of the Illinois is given as between thirty-five and thirty-six degrees—four or five degrees too low. The floating ice detained them here until the twelfth of March. The country, from the rivers to the hills, was filled with wild oxen; and we are told that "the country beyond the hills is so fine and pleasant, according to the account" he had of it, that "one might justly call it *the Delight of America.*"

It had been Hennepin's design, and so he had promised La Salle, to *ascend* the Mississippi, but his comrades determined to go down to its mouth, and threatened to land him if he refused to accompany them. He "thought it was reasonable to prefer" his own safety to the ambition of M. La Salle, and so he "agreed to follow" his men, who, seeing him "in that good disposition, promised that they would be faithful to" him. Six hours of difficult navigation through the floating ice brought them to the mouth of the Missouri. "It comes from the westward, and seems as big as the Meschasipi; but the water is so muddy, that 'tis almost impossible to drink of it." The Indians whom he afterwards met on the Upper Mississippi, told him that the Missouri was formed of several other streams

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rising in a mountain, twelve days' journey from the mouth, and that from the top of this mountain the sea was visible.

On the seventeenth of March they stopped at a village of the *Akansa*, where they were kindly received. These savages they found jovial and civil, differing from those of the north, who, he says, are commonly sad, pensive, and severe. He commends the modesty of the young men, who in the presence of their elders are silent until they are spoken to. Hennepin's comrades were so pleased with them, that there was danger of the voyage coming to a conclusion. They, however, got off on the following day, after being entertained with dancing and feasting. A short distance below, they landed and hid their goods, intending them for the Indians on the upper part of the river, whom they looked forward to meeting on their return. To know the spot again, they marked crosses upon the neighboring trees.

At a second village of the Akansa they spent some time, and were received with as much kindness as at the first. Hennepin conjectures that the inhabitants of the first village had informed these of their approach. Presents were made to them, "which are symbols of peace in all those countries." Their hosts carried them to see a nation living farther back, called the Taensa, [Tennessee?] by whom they were received with great ceremony. The chief wore a white gown made of bark, woven and spun by the women. "Two men carried before him a thin plate of copper, as shining as gold." They who attended him kissed Hennepin's robe, whence he concluded that they had probably met with other Franciscans, from New Mexico. Their music was very disagreeable; their dancing more difficult than that of Europeans, "but perhaps as pleasant." The country abounded in palm, plum, mulberry, peach and apple trees, wild laurels, and walnuts of five or six kinds, bearing nuts much larger than those of Europe.

These Indians appear to have impressed Hennepin favourably, in comparison with the Iroquois, Hurons and Illinois. They were civil, tractable and capable of instruction; but the Illinois and others he pronounces "meer brutes, as fierce and cruel as any wild beasts." For their amusement our travellers discharged their firearms, amongst which was a pistol which shot four balls in succession without requiring to be new-charged. Hennepin here erected a cross, and on the twenty-second accompanied the chief of the Koroa Indians to his village, about ten leagues down the river. Here again they were very kindly treated, and informed that they were seven days' journey from the sea.

Several men were sent by this chief to bear them company to the ocean; but near an island, computed to be sixty leagues in breadth, the rapidity of the current carried the bark canoe with our voyagers away from the more heavy *pyrogues* of the Indians.

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They afterwards passed the country of the *Quinipissa*, and on the night of the twenty-fourth landed near a village of the *Tangibac* nation. It contained no living creature, having been recently surprised by a hostile tribe. In the cabins they found ten dead bodies. They reembarked, and passed the night on the other side of the river. Next day they came to a point where the river branched into three channels. They selected the middle of these, which was broad and deep; and after rowing eight leagues more, came in sight of the sea, and went ashore on the east side of the river.

The two companions of Hennepin were now seized with a sudden dread of meeting with some of the Spaniards from New Mexico, and contenting themselves with a distant view of the ocean, they went no further. Having erected a cross, and left a letter containing an account of their discovery, they set out on their upward voyage. Hennepin here expresses his gratitude for their preservation from the crocodiles, [alligators,] which were particularly numerous near the mouth of the river. At night they lighted a great match to frighten them off, there being, according to our author, nothing they fear so much as fire.

On the second of April, being near an Indian village, the discharge of one of their guns frightened away all the inhabitants, men and women; but upon Hennepin's advancing with the calumet, they returned, expressing by signs that they compared their guns to thunder and lightning. This was the *Quinipissa* nation. They left there on the fourth, and rowed on that day as far as *Koroa*, where they were received with joy, twelve men dancing before them with fine feathers in their hands. They were led to a cabin "made of fine mats of painted rushes, and adorned with coverings made of bark of trees, spun as finely as our linen cloth." Next morning Hennepin was surprised to see the Indian corn, which was green at their first visit, now nearly ripe. Sixty days he states to be the period between the sowing and maturity of that crop.

The anxiety of the two men to proceed, and barter their goods for furs, prevented our author's visiting several other nations on the banks of the river. On the seventh they reached the *Taensas*, who, hearing of their return, had sent for their allies residing in the interior, to the westward of the river, to meet them; but the impatience of Hennepin's companions would not allow of the delay of a single day to enable him to see them. The *Taensas* accompanied them some distance up the river. After two days, they reached the place where they had buried their goods, but to their great alarm the trees they had marked were burnt. The two men "were near *swounding* away," but they had the good fortune to find their property undisturbed. Some *Akansas* approaching, Hennepin went towards them with his never-failing calumet, to withdraw

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their attention from his men, who got the goods safely into the canoe, in which they proceeded to the village of the Akansas. The Indians proceeded thither on foot, and one of them being a good runner outstripped the canoe. They were here received with even greater kindness than at their first visit, the men suspecting, with a view to get possession of their goods; but Hennepin avers that "they are certainly a good people, and instead of deserving the name of a barbarous nation, as the Europeans call all the natives of America, I think they have more humanity than many nations of Europe, who pretend to be very civil and affable to strangers." They were entertained with feasts and dances, and their departure grieved these kind-hearted natives greatly. For sixty leagues further they met with no Indians, whence they concluded that the *Chickachas* and *Messorites* were absent hunting. This enabled them to land with less fear in pursuit of game, of which there was now no scarcity.

At a cape near the country of the *Messorites*, Hennepin observed upon a rock some paintings with red colours, not of "tritons and other sea-monsters," as the Illinois had taught him to expect, but of a horse and some other beasts. This cape he calls St. Anthony. The Indian tradition was, that a great number of the *Miamis*, pursued by the Matsigamea nation, were drowned here, and the Indians were accustomed, when passing this rock, to smoke and offer tobacco to those beasts, to appease the *Manitou* or Evil Spirit.

In the chapter which follows, Father Hennepin gives a particular account of two animals, then unknown to Europeans—the opossum and the panther. During their voyage they saw no horses, but they learned that they existed to the westward. They observed all the kinds of timber known in Europe, and many other trees. He mentions one, dropping a most fragrant gum, exceeding in his opinion the best perfumes. Oak, excellent for ship building, was noticed, and they found hemp growing wild. Tar and pitch, he says, were made near the sea-coast. He did "not question but that there are some iron mines," and that "the building of men-of-war would be very cheap in the river Meschasipi." They had not time to look for mines, but in several places tney discovered pit-coal, and the savages pointed out to them some mines of copper and lead.

The Indians on the Mississippi he declares to be good-natured, affable, civil and obliging, without sentiments of religion, if a kind of veneration for the sun, which they consider as the creator and preserver of all things, be excepted. The *Nadonessians* and *Issati*, upon lighting their pipes, extend them towards the sun, and say *Tchendiouba, Louis*—that is, *Smoke, Sun!* Hennepin was pleased at learning that they called the sun Louis, it being his own name. The moon they styled *Louis Basatche*—the Sun of the Night.

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They offered the best piece of every beast they kill to the sun, also the first smoke of their calumets, and then they blow the smoke to the four corners of the world.

It surprised Father Hennepin to learn that every nation of Indians in North America had its own language; and he states that tribes only ten leagues apart required an interpreter to conduct their intercourse. He remarks, that the Indians of the Mississippi differ from those of Canada in manners, customs and temper, and in the shape of their heads, which were very flat. They were more cheerful than those of Canada, and had nothing of the moroseness of the Iroquois. The authority of their chiefs was more absolute, and those residing near the mouth of the river paid such respect to a chief, that they dared not to pass between him and a lighted flambeau, carried before him in all their ceremonies.

As to their conversion to Christianity, he remarks, that his ignorance of their languages threw great obstructions in his way. He was well acquainted with only that of the *Issati* or *Nadonessians*, and knew the *Illinois* imperfectly; but he expresses his fears that neither his words nor signs conveyed a clear idea of the truths of Christianity to these tribes. The only fruit of his mission to which he felt emboldened to lay claim, was the baptism of several dying infants. He had merely opened the way for others, and adds, that he holds himself ready at all times to return thither, and spend the rest of his days in laboring for their spiritual welfare.

Near the mouth of the Illinois, a fish, which they called "sturgeons with long bills," supplied them with food. They were so plenty that they killed them with axes and swords, and eat nothing but the most delicate parts, their bellies. Hennepin's companions now began to dread meeting with any of the men they had left at Fort Crevecœur, as they had, by *descending* the Mississippi, departed from the object of their voyage; and Hennepin himself (for reasons which he promises to give in another place) was anxious that their voyage towards the sea should be kept secret. They therefore rowed by night, and rested by day, until they had passed the mouth of the Illinois a considerable distance.* He did not consider the country above that river so fertile as that below it.

In the prayers which they offered thrice a day during their voyage, it was their constant request, that if they were to meet with savages it might be by day, it being their custom to kill all they meet by night, even their own allies, for the sake of plunder; and Hennepin states that he looks upon their being surprised by daylight, on the twelfth of April, by fifty canoes full of Indians, as an

* Mr. Jared Sparks asserts, in his Life of Marquette, (Am. Biog. x. 293,) that "Hennepin was never below the confluence of the Illinois with the Mississippi;" and that "after La Salle's death he fabricated the tale of his voyage down the Mississippi." These charges we will examine hereafter.

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answer to this prayer. These Indians, in number about one hundred and twenty, were a war party coming down the river to surprise their enemies—the Illinois, Miamis, and Marohans. They did not understand the *Iroquois* or *Algonquin* languages, in which Hennepin and his men cried out to them that they "were men of wooden canoes, (for so they call those that sail in great vessels,)" and were beginning to discharge their arrows at them, when Hennepin held up his calumet and was preserved.

With horrible outcries they surrounded our voyagers, who, after presenting them with some tobacco, made them understand that the Miamis, of whom they were in search, had passed the river and gone to join the Illinois. Upon thus learning that they had no hope of surprising their enemies, three or four of the eldest laid their hands upon Hennepin's head, and began to weep bitterly. Hennepin with his handkerchief wiped away their tears, but they refused to smoke the calumet with them, thereby giving them to understand that it was their design to murder them all. Renewing their outcries, they forced them across the river, where the canoe was unladen of part of the contents, of which the savages had already robbed them. After a consultation, two of the chiefs approached and intimated to them that they had resolved upon their death. Hennepin presented some hatchets, knives, and tobacco to the chiefs; and bending his neck, and pointing at the same time to a hatchet, he thus expressed that he threw himself upon their mercy. The presents softened some of the chiefs, and they gave them some beaver's meat to eat. In great uneasiness our party spent the night, their calumet having been returned to them. The two men resolved to defend themselves to the last, but our author declared that he would make no resistance, but imitate the Saviour. They watched all night by turns.

Very early the next morning, one of the chiefs came to them and demanded their calumet, and all the band smoked it. He then let them know that they would be carried to the Indians' own country: a piece of news which did not much distress Hennepin, as he thereby expected to make new discoveries. Hennepin now experienced great difficulty in saying the prayers of his church, the savages, as he afterwards learned, looking upon his breviary as an evil spirit. At night our voyagers erected their cabin near that of the young chief who had first smoked with them, signifying to him thereby that they put themselves under his protection. Great difference of opinion prevailed amongst the party as to the disposal of their prisoners. Aquipaguetin, one of the chiefs, whose son had been slain by the Miamis, wished them put to death; others wished to preserve their lives, that other Europeans might come amongst them to trade.

The spot where they had been captured was about one hundred

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and fifty leagues above the mouth of the Illinois. For nineteen days they rowed up the Mississippi, according to Hennepin's calculation, over two hundred and fifty leagues. In fair weather they slept in the open air; when it rained they set up their cabins.

On one of these nineteen days a singular ceremony was performed. Aquipaguetin halted at noon in a large meadow. He had killed a large bear, and invited the principal warriors to eat it. After their meal they had a dance, being painted, and with their hair greased with bear's oil and covered with feathers. During the dance a son of this chief made them all smoke the war pipe, all the while shedding tears, his father also weeping and lamenting, and occasionally laying his hand upon the head of Hennepin or one of his companions. Sometimes looking up to Heaven, he would appear to be calling upon the sun to avenge his son's death. This gave them no little uneasiness, and they afterwards learned that he had been desiring their death, but had been overruled by the others.

This crafty chief hit upon a singular plan to obtain possession of their goods. He had with him the bones of a deceased friend, wrapped in the skin of some animal. He would now and then produce them, and sending for Hennepin or one of his companions, make them dry his tears by covering the bones with their merchandize. They were thus gradually deprived of their property, the chief assuring them that what they gave was not for himself, but for the dead and the warriors who accompanied him. They named that part of the river where they now lay the Lake of Tears, on account of the weeping of Aquipaguetin.

For many nights the elders of this tribe came and wept over their prisoners—whether bewailing that the warriors had resolved to kill them, or pitying the evil treatment they met with, the captives could not tell. Aquipaguetin, on one occasion, contrived that they should not encamp near the young chief Nashetoba, their protector, and then came upon them with his followers; but whilst these were hesitating what to do, their protector and his brothers came and delivered them from their enemies. Next day another chief informed them that in sixteen days they would reach the homes of the Indians.

The whole party landed five or six leagues below the Fall on which they afterwards bestowed the name of Saint Anthony, the patron of their expedition; they all landed, and after a consultation the Indians gave them to three chiefs, each of whom had lost a son. They destroyed Hennepin's canoe, and hid their own canoes in the alders.

They now travelled by land, commencing at daybreak and marching until ten at night, swimming the rivers, still full of ice. Worn out, Hennepin would often lie down to rest, but the savages would

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then set fire to the grass, leaving him no alternative but to go on or be burnt. After a fatiguing journey of sixty leagues, they halted to divide the goods they had taken from their captives, fearing that if they did not now make a division, those at home would claim a share. They did not deprive Hennepin of a little box containing his books and papers, or of a silver gilt chalice, which they conceived to be a spirit.

Upon drawing near to the Indian village, the eyes of the captives fell upon the posts surrounded by straw for the burning of prisoners; and their fears were increased when the savages proceeded to paint the face of *Du Gay*, and fasten a tuft of white feathers upon his head—ceremonies preliminary amongst them to the burning of their enemies. A consultation ensued amongst the Indians as to the disposal of their prisoners, which resulted in the preservation of their lives; Aquipaguetin adopting Hennepin as his son, and two other chiefs adopting his companions. Near Aquipaguetin's village, which was situated on an island, five of his wives in canoes came to meet him. In May they arrived here, but the day Hennepin declares himself unable to state—the fatigues and sufferings he had undergone preventing his keeping a regular journal. On the day succeeding their arrival, his new father presented him with two robes, the one made of castor skins, the other of the skins off of the bellies of the wild bulls; and introducing him to six or seven of his wives, he desired them to look upon him as their son. Then observing the weak state to which Hennepin was reduced by his travels, Aquipaguetin caused a stove to be constructed, into which our author and four of the savages entered nearly naked. Hot stones were thrown in, and his body was rubbed by his companions until a great perspiration was produced. This was done thrice a week until he was perfectly restored.

So little food was allowed Father Hennepin, that he was nearly famished. Aquipaguetin, to increase his own influence with the tribe, assured the savages that the three prisoners were spirits; and showing them Hennepin's compass, would explain to them that it was by means of that instrument that they were enabled to traverse the world. These Indians also considered an iron pot which belonged to our travellers as a spirit, never touching it without covering their hands with castor skins. The women were so afraid of it that they had it hung upon a tree, fearing to enter the cabin when it was there. No one to whom Hennepin offered it would accept it as a present. Hunger pressing him hard, he set about learning their language, and made a dictionary, using the children as his instructors. The savages took notice of this, and would often say to one another, "*When we ask Father Louis any thing*, (for they had heard the canoe men call me so,) *he does not answer us; but when he has looked upon the white*, (for they have no word for

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paper,) *he then talks and makes us understand his thoughts. This white thing* (would they add) *must needs be a spirit, which teaches him to understand all we have to say.*" Neither of his companions being able to "*work upon that which was white,*" they formed a high opinion of Hennepin's powers, and on one occasion desired him to bid the rain to cease, as it would spoil their hunting. This gave him an opportunity to speak to them of the Creator. In reply to an inquiry as to the number of his wives, our good father gave them some idea of the vow of celibacy, which he had taken, and "these wretches, void of life and instruction, were strangely surprised at the answer."

Ouasicoude, (the Pierced Pine,) the head chief of the *Issati* and *Nadonessians*, regarded our travellers very favorably, rebuking in full council those who had ill-treated them. Soon after this, an infant child lying dangerously ill, Hennepin baptized it and spread over it the half of his altar cloth, which he snatched from the savage who had stolen it, and the next day the child was better; but "how far its pains might be assuaged by the virtue of the linen," he does not decide. It however died, which he declares gave him joy, considering that had it recovered, it was to be feared that it would have trod in the steps of its forefathers, for want of a preacher to instruct it; and he felt "glad it had pleased God to take this little Christian out of the world, lest it might have fallen into temptations." He adds, "I have often attributed my preservation, amidst the greatest dangers which I have since run, to the care I took for its baptism."

Four savages, who came a distance of above five hundred leagues from the west, convinced our author, by their descriptions of that side of the American continent, that there was "no such thing as the Straits of Aniam, (Bhering's,) and that *Japan is on the same continent as Louisiana.*"

Three months after this, the *Issati* and *Nadonessians* assembled to hunt wild bulls, and divided themselves into different bands for that purpose. Aquipaguetin, with two hundred families, proposed going westwardly; but Hennepin, remembering the censures which Ouasicoude had bestowed upon his father by adoption, for the ill-treatment of his prisoners, feared that Aquipaguetin would take advantage of this separation from his chief to put him to death, and he informed him that he expected to meet with La Salle at the mouth of the Ouisconsin, where La Salle had promised to look for him, with iron and other commodities. Aquipaguetin consented to his going thither, but the others opposed it; and in the beginning of July they all set out in eighty canoes, containing one hundred and thirty families, and two hundred and fifty warriors. The two companions of Hennepin had the incivility to refuse him a place in their canoe, Michael Ako telling him that they had carried him

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long enough—a "rough and unhandsome answer," which made our author "very melancholy," and brought to his mind days past, when persons of the first quality had received him with marks of distinction, whilst his comrades "were suffered to stand and cool their heels at the door." Two of the savages had more compassion on him, and took him in. In the evening Du Gay came upon their landing, and endeavoured to excuse their behaviour by representing the rottenness of their canoe as the reason for it—alleging that it would have burst with another passenger. Hennepin reminded him that if they were kindly treated by the savages, it was solely on his account, who had made himself useful to them by bleeding and administering medicines to the sick, and by shaving the crowns of their children's heads, in place of the painful operation of burning the hair off with hot stones. He admitted that he "had made but little advance in order to their salvation, by reason of their natural stupidity; but that the best way to take the soul was to begin with the body." Du Gay begged his pardon. Ouasicoude, hearing of their behaviour, would have put them to death, but did not, owing to Hennepin's intercession. The two men promised obedience to him in future.

Four days after, they landed eight leagues above the Fall of St. Anthony, and went out to hunt, but with so little success that they suffered for want of food. Hennepin now concluded to go to the mouth of the Ouisconsin, and see if La Salle had kept his word; and the savages agreed that he and Du Gay should depart on this expedition. The distance he estimated to be two hundred and fifty leagues. At the Fall, whilst they were carrying their canoe around it, they saw an Indian in an oak weeping bitterly, and praying to the Fall, to which he offered a robe of castor "garnished with porcupine." The subjects of his prayer were that his tribe might pass without disaster, be successful in hunting and in battle, and take many slaves, whom he promised to bring to the Fall and there sacrifice. Hennepin adds, that having taken many slaves, they fulfilled the vow. The castor robe was afterwards carried off by one of the Europeans, and they would have been glad of more frequent opportunities to profit thus by their devotions.

Upon some islands below they found one of the hunting parties, landed and partook with them of some bull's flesh, of which they had plenty. Two hours after the meal, there came upon them a body of Indians, fifteen or sixteen in number, who upset their cabins, and carried off all the victuals and bear's oil that they could find. Hennepin at first took them for enemies, but soon learned that they were a party of those whom he had left above the Fall of St. Anthony, who had thus acted to punish the first party for hunting in advance of their comrades, whereby the bulls would be frightened off before the nation could get together to attack them.

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After rowing sixty leagues, hunger obliged them to land, when they succeeded in taking a tortoise; but whilst thus engaged, the wind carried off their canoe into the middle of the river. Du Gay had set off after a wild bull before Hennepin discovered their loss, and he was obliged to swim after the canoe. With great difficulty he recovered it, and brought it to land about an eighth of a league below the spot whence it started. Du Gay returning, and not finding Hennepin, concluded that he had been killed by the Indians; but he soon was gratified by hearing a shout from his companion, who had spied a drove of bulls, cows, and calves, crossing the river. Hastening to Hennepin, he got into the canoe and shot one of the cows. Having fasted nearly forty-eight hours, they lost no time in kindling a fire and dressing some of the meat, of which they eat so heartily as to make themselves sick for two days, during which time they lay hid in one of the islands. They afterwards found a fish, having upon its head a sort of beak about five inches broad and a foot and a half long, upon which an otter was feeding. They made a hearty meal upon it, and found the flesh good. They named it the sturgeon with the long beak.

Rowing on, to their great surprise they fell in with Aquipaguetin. Learning that they had not yet met with the Europeans whom they sought, he went himself to the river Ouisconsin, and returned to them within three days, not having met with La Salle or any of the party expected. He raised his club, as if about to strike Hennepin, who seized his pistols and knife to defend himself. The chief then endeavoured to persuade the Franciscan to go back with him, but he persisted in going to the Ouisconsin, where he likewise failed in meeting with any of those he sought. They now turned their canoes, and, after great sufferings from hunger, met near the River of Bulls that party of the Indians with whom Michael Ako had remained. Upon hearing of the sufferings of our travellers, they expressed their approval of their conduct, and severely censured Michael Ako for his cowardice in refusing to accompany them. And Picard Du Gay, was so incensed that he was with difficulty restrained from laying hands upon him.

The whole party now descended the Mississippi, the women taking charge of the victuals, and delivering to every one his mess. Hennepin found it necessary to pay his court to them, which he did by shaving their children's heads. Two women, who shortly after joined them, acquainted them that one of the hunting parties had fallen in with five spirits (Europeans) near the head of Lake Superior, who were desirous of being conducted to Hennepin. The party accordingly reascended the Mississippi, and near the Indian villages they met with the *Sieur du Luth* and five men from Canada. They joined the Indians, and proceeded to the villages. Hennepin dug up his chalice, books, and papers, which the dread of them as spirits had preserved unmolested.

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Hennepin, Du Gay, and Akó proposed returning with Du Luth to Canada, and suggested that two of the Indians should accompany them, with whom on the following year they would return half way, and there meet the Indians for the purposes of trade. Two Indians volunteered to go, but a great council being held, it was objected that many of the nations through which they would have to pass were their enemies, and would not fail to attack them, and the proposition was rejected. "These barbarians (says Hennepin) want not wit; on the contrary, their natural parts are extraordinary."* Ouasicoude supplied them with wild oats, "better and more wholesome than rice" for their journey, and marked upon paper the course they ought to pursue for four hundred leagues with such exactness, that they needed no other guide. Eight in number they departed, the men firing a salute with their fusils, which terrified the Indians.

When near the Ouisconsin, they stopped to smoke the flesh of the bulls they had killed, according to the Indian fashion; and whilst thus employed they were overtaken by three of the Indians, who had come to acquaint them that one of the chiefs had designed to pursue and murder them; but whilst he was consulting on the subject with some of his associates, Ouasicoude, who had learned what was going on, had entered and beaten out his brains with a single blow. For this piece of news they regaled their visitors, who then departed. Two days after, they were visited by Ouasicoude himself, and about a hundred and fifty men in a hundred and forty canoes. To the great relief of the Sieur du Luth, they said nothing concerning the abstraction of the robe of castor from the Falls of Saint Anthony—an action for which he had severely reprimanded the men, who were defended by Hennepin, who alleged that the savages would merely regard it as an expression of their disapprobation of the superstition. The Indians, after receiving some presents of Martinico tobacco, departed to war against the Messorites, Mahoras, Illinois, and other nations.

The river Ouisconsin they found as large as the Illinois, and navigable above a hundred leagues for large vessels. The "charming lands" through which it flows excited their admiration, and our author says that, in his opinion, the poorer sort of his countrymen would do well to go and plant themselves in this fine country. After rowing about seventy leagues, they came to a point marked upon the map of Ouasicoude, and landed. They carried their canoe over a portage of half a league to another river. so meandering that six hours' hard rowing brought them back to near the point where they had started. Descending this stream, (Fox River,) they at last arrived at the Bay of Puans, where they met

* The stupidity with which he charges them above must be confined to their want of comprehension of spiritual things, and perhaps his ignorance of their language was the main cause of that.

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many Canadians. Here they sang Te Deum, and the heart of Hennepin was rejoiced by an opportunity of saying mass and preaching.

Having exchanged a fusil for a large canoe, they proceeded in this to Michilimackinac, and wintered there. Here they found Father Pierson, a Jesuit, and spent the winter very pleasantly—skating, and catching salmon trout through holes in the ice, forming their chief recreations. Hennepin here admitted forty-two Canadians to the order of Saint Francis.

In Easter week, 1681, they left Michilimackinac, and after drawing their canoes for twelve or thirteen leagues they embarked on Lake Huron. In Lake Erie they spent some time catching sturgeon, which were so plenty that they eat only their bellies, the most delicate portions. A chief of the Ottaways, whom they had formerly known at Quebec, met them. Famine had reduced him almost to a skeleton, and he told them that six of his family had recently died of starvation, both the fishery and the chase having failed them this year. He informed them that the Iroquois had recently carried off twelve of his tribe, and he begged Hennepin to endeavour to procure their release, if still living. He gave him two strings of black and white porcelain beads, to refresh his memory upon this point.

At the Falls of Niagara they spent half a day "considering the wonders of that prodigious cascade;" and after wishing for some one more able than himself to give the reader a description of "this prodigious, frightful fall," he attempted one himself. The fort, which La Salle had commenced at the mouth of the Niagara, they found deserted. Thirty leagues below, they arrived at the great village of the Iroquois, where, in a council assembled, Hennepin prevailed upon them to return the twelve prisoners whom they had taken.

The numbers of pigeons which they saw flying over their heads in clouds, whilst on their way to Fort Frontenac, afford our author an occasion to remark "a thing worthy of admiration. The birds that were flying at the head of the others keep often back to ease and help those among them that are tired; which may be a lesson to men to help one another in time of need."

At Fort Frontenac they were received with great joy, mingled with surprise, it having been reported that the savages had hung Hennepin with the cord of St. Francis two years previously. At Montreal, Count Frontenac treated him with great kindness, taking him into his own house, and never tiring of listening to his adventures. Of his voyage down the Mississippi, Hennepin declares that he thought it most prudent to say nothing, for fear of M. La Salle.

At Quebec, Hennepin learned the painful news of the death of

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old Father Gabriel, who had been murdered by the Kikapoux whilst returning from Fort Crevecœur.

Here end the Travels of Hennepin. The second volume of his book contains the adventures of La Salle, an account of the manners of the Indians, and a relation of the taking of Quebec by the English.

The State of Illinois has called a county after La Salle, and one of the towns on the Illinois river bears the name of Hennepin.

We have been thus particular in giving an abstract of Father Hennepin's celebrated work, because it is unquestionably the most prominent, the most interesting and the most minute, of all the narratives of early American exploration. The authenticity of his great "New Discovery" was questioned at the time of its promulgation, when the powerful friends of La Salle were confounded by the contemporary appearance of a circumstantial narrative which placed the glory of the first voyage on the Mississippi on another brow, and made the event itself three years earlier than that performed by the French explorer. Although every allegation was sturdily repelled by Hennepin as it appeared, in later times these doubts have been revived by writers whose intimate acquaintance with the localities of the Mississippi has enabled them to impugn heavily the Father's correctness, and to question his veracity—until at length, as we have seen, his claim is denied altogether by a writer of authority like Mr. Sparks, and his whole journey declared to be a fiction. The North American Review for January, of the present year, undertakes to give what it calls "a thorough critical statement of the grounds which exist for thinking the Reverend Father so great a liar;" assuming, as a reason, that neither Mr. Sparks or any other historical scholar, though doubting and disbelieving, had heretofore attempted it. The slighting allusion to the "partial statements" in the Journal of Andrew Ellicott, and in Stoddart's Sketches of Louisiana, with which this "new discovery" in criticism is sustained, is scarcely candid in a work of reputation. The grounds of disbelief in Hennepin were very distinctly stated by Ellicott in the preface to his journal, without any other light, apparently, than an acquaintance with the statements of his work, and his inability to reconcile them with the facts of the case. In Stoddart's elegant Sketches of Louisiana, a distinct and spirited summary of La Salle's adventures is accompanied with a *very* thorough critical examination of Hennepin's statement, and from the facts themselves it is concluded that his claims to the discovery of the Mississippi were founded in fraud and imposture. As the subject is one of much interest in the literature of western adventure, we will here circumstantially enumerate its principal features.

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In 1683, Hennepin published in Paris a work entitled "Déscription de la Louisiane,"* in which he describes his journey up the Mississippi, from the mouth of the Illinois, or as it was then called, Seigneley river, undertaken under instructions from La Salle. In 1697, having been exiled from France, and being then in the service of King William of England, by permission of his own sovereign, the King of Spain, he published at Utrecht his second and more celebrated work, entitled "Nouvelle Découverte,"† in which, with some additional details, he incorporated his previous work, and inserted in the proper place the relation of his voyage to the mouth of the Mississippi.

In the same year was published at Paris an account of La Salle's voyage exploring the course of the Mississippi, in the year 1683, in a volume ostensibly written by the Chevalier Tonti, his confidential assistant and companion in the expedition, but which afterwards, as we shall see, turned out to be a forgery. However, it contained the only narrative of that great adventurer's greatest voyage before the public. Hennepin's statement, that *he* had performed it three years before, though clashing so directly with this account, does not appear to have been denied, or his veracity seriously impeached at the time, though it was severely attacked, and as plausibly defended by himself in the preface to a third work, which he published at Utrecht in 1698, continuing the general narrative of the French exploration in the West, from 1679 to 1682, which was also translated into English and published in London the same year. Hennepin's books are well written, and he came to be considered gradually as the first French voyager on the Mississippi—even Charlevoix admitting it without serious implication, in his History of New France.

However, the flaw in his title, occasioned by his long silence from 1680 to 1697, was never satisfactorily removed, and when his prediction of the awful flood, made when the solitude of its immense tide was first broken by his solitary canoe, that it would be the seat of the mightiest empire of the world, came to be verified, and its massive waters were ploughed with the ten thousand busy barques of a new people, whose escutcheon was then unknown as itself to the heraldry

*Déscription de la Louisiane, Nouvellement Découverte au Sud Oüest de la Nouvelle France, par ordre du Roy, Avec la Carte du Pays: Les Mœurs et la Maniere de vivre des Sauvages. Dédiée à Sa Majèsté, Par le R. P. Louis Hennepin, Missionaire Recollet et Notaire Apostolique, Paris, 1683. A second edition was published in 1688, and it was reprinted at Amsterdam the same year. It was translated into Italian, Bologna, 1686, and into German, Luxemberg, 1689.

† Nouvelle Découverte d'un très grand Pays situé dans l'Amerique entre le Nouveau Mexique et la Mer Glaciale. Avec les Cartes, et les Figures nécessaires, et de plus l'Histoire Naturelle et Morale, et les avantages qu'on en peut tirer par l'establissement des colonies. Le tout dédié a Sa Majèsté Britanique, Guillaume III. Utrecht, 1697. It was reprinted at Amsterdam, 1698, and again in 1704, 1711, and was translated into English, London, 1698, which edition is of frequent occurrence in the United States.

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of nations, the pretensions of the adventurous wanderer were exposed to a severer criticism. It was then objected to his account, that he was but seventeen days, including seven of stoppages, in traversing 1350 miles of way, from the mouth of the Illinois to the sea, and even admitting that the current might have permitted the wonder of the downward voyage having been made in that time, it was utterly impossible to achieve the return within the twenty-four days mentioned by the voyager.

In addition to this, it was not practicable to reconcile the discrepancies of a narrative which represented him on the 24th of April among the Arkansas,—soon after, covertly passing the mouth of the Illinois, for fear of discovery by his companions,—and then being captured on the 12th of the same month above the Falls of St. Anthony by the Indians.

Discrepancies so glaring would render any farther examination useless, did not their very absurdity, in thus placing unnecessarily under his own hand, had he been an impostor, instant conviction in every reader's power, lead us to suppose the good Father—whose piety at all events is unimpeachable, if we may judge from his frequent evidences of zeal and concern for the salvation of the heathen among whom he was cast—to have been so completely deceived and bewildered himself, as to have confounded months into days when recording his own adventures. With some such clue as this charitable supposition, to explain what would be the absurdest fatuity in a deliberate liar, and it will be found that the credibility of the narrative of Hennepin, after all, must rest upon the sufficiency of the causes he has himself assigned for his long suppression of his discovery. The impossibility of performing the voyage down and up the Mississippi in the days specified, from which Major Stoddart draws his principal argument against it, can be readily accounted for, by supposing the worthy Recollet to have computed his dates, not by the sun or the almanack, but by guess-work, dividing a period of several months into days of indeterminate length, when, many years afterwards, he wrote out his notes for publication, in which he had probably recorded loose memoranda of events, without reference to dates. A circumstance in which he could not be mistaken, gives great plausibility to this conjecture—which was, that on their return up the river, April 4th, they found the corn *ripe*, at Koroa, which they passed "*very green*," when they touched at the same place on their way down on the 23d of March, only thirteen days before, by our voyager's calendar. Now, there could be no mistake in such a fact depending on the seasons; and as our knowledge of agriculture and of early corn is not inferior to that of the Koroa Indians a hundred and fifty years ago, we may more safely set the phenomenon down to the oblivious memory of the Father, than to the climate or quality of the seed. The discrepancy noticed by the Reviewer between the conflicting

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dates between the journey *down the river*, as given in the New Discovery, and his undisputed voyage *up it*, from the junction of the Illinois, published in the "*Déscription de la Louisiane*" in 1683, may be accounted for, if Hennepin's own statement is true, and we confess it wins upon our confidence not less by the candor and openness of its style than by the complete sufficiency of the reasons which he cites for the omission. These are, in substance, a certainty that the publication would occasion to him the enmity of La Salle, whose orders he had disobeyed, and whose darling project he had anticipated, and through his representations would draw upon him the ill opinion and displeasure of his superiors. A sincere regard and admiration for La Salle, too, which the whole tenor of his remarks respecting that intrepid adventurer proves that he entertained, without the least admixture of jealousy or ill-will, also, at first, may have induced him to conceal a discovery, made, as he confesses, against his own inclination. Important reasons of state, moreover, and of which Hennepin was not ignorant, may have made his continued silence on the subject, after the course of the river had been ascertained by La Salle, a matter of prudent necessity. When La Salle's golden visions of reaching China by the Mississippi were dissipated by a knowledge of its course, the more important and practicable one took possession of his capacious mind, to connect by its means Canada with the Gulf of Mexico, and thus render it a cordon of settlements hemming the entire Anglo-American empire, and which would enable France in time to securely undermine the power with which they could not possess in common the western hemisphere. This vast plan the French ministers fully adopted, and to La Salle himself consigned the charge of an expedition to commence a settlement at the mouth of the newly explored river, themselves as carefully concealing from Europe all knowledge of such an important geographical discovery. Were Hennepin, after La Salle's return to France, to have disconcerted plans so profound, by an indiscreet promulgation of the discovery, it would have exposed him to the animosity of the French ministry. The fact that he had been to the mouth of the Mississippi was known in Quebec; where Hennepin's papers were examined by Father Valentin de Roux, the Provincial Commissary of the Recollets of Canada, who, Hennepin says, had time to copy them all before his return to Europe. It also came to the ears of La Salle, who, he states, would never forgive him in consequence, and caused him great persecution in France, which terminated in an order for him to quit the kingdom. Arrived in Holland after this, he entered into the service of William III. of England, to whom he transferred his allegiance; *and then* the reasons for suppressing his discovery no longer existing, but very strong ones to promulgate it having taken their place, he republished his Description of Louisiana, incorporating in it the narrative of his voyage down the Mississippi; dedicated the whole to

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King William III.; and boldly and earnestly urged him to attempt the settlement and conversion of the country.

Thus, notwithstanding the strong *prima facie* evidence against the authenticity of his narration, derived from his own conduct in the matter, and the facts of the case, it is not the less certain, if we can get over the difficulty of his dates, that Hennepin cannot be convicted of falsehood by any direct evidence we possess; and we shall soon show that the bibliographic testimony, of which so strong a point is made by the North American Review, instead of invalidating his claims, tends, as far as it goes, directly to confirm them.

For instance, the North American can find no better explanation of Hennepin's giving, in his Nouvelle Découverte, printed at Utrecht in 1697, such a circumstantial detail of the course of the Mississippi, and of the savage tribes on its banks, when the subject was perfectly new to Europe, than that he must have "quietly helped himself" from the account claiming to be written by Tonti, which was published in Paris in the same year, "and in his haste omitted to preserve the due consistency of time." The Review, it would seem, holds this work in great esteem. In July, 1838, it referred to it as a high authority, and mentioned it as "a curious fact, that neither Flint, Hall, Holmes, nor Butler refer, when speaking of La Salle, to the detailed account of that leader's adventures, drawn up by the Chevalier Tonti, his lieutenant, *and by him presented to the King of France.*" Very curious, no doubt,—since, if the Reviewer had not read in Charlevoix at that time, that Tonti himself had denounced this book as an imposture and a catch-penny, which he never saw,* one so well acquainted with western history ought at least to have known that Tonti never returned to France after his departure from it with La Salle, and could hardly therefore have presented it to the King. But supposing that this work was published a little before Hennepin's, in the same year,

* Charlevoix, vol. ii. p. 260, 4to ed. It is extraordinary that the New York Historical Society should have reprinted in its collections (vol. 2, p. 220) the English translation of such a book, without giving the least warning that it was surreptitious and an imposture, though the fact was thus published openly by Charlevoix in several places, and it was excluded on that account from the Histoire Générale des Voïages, see Vol. xiv. Avertissement p. 5. The Biographie Universelle, vol. 46, p. 232, also directs attention to the "Lettres Edifiantes vi. 343 ed. de Querbeuf, for a further disavowal of it by Tonti to Father Marest. It is curious, and still more strange, that the doubtful authenticity of this very book was made to bear the weight of all the rights of the United States, in an important national controversy. The Secretary of State, Mr. John Quincy Adams, in his reply to Don Luis de Onis, dated March 12, 1818, cites it as among the authorities to prove the claims of France,* from which those of the United States were derived, and gives an abstract of its information, without in the least suspecting that the best historians of French discovery had stated the book to be an imposture. What would not Don Onis have given in such a case for a little "bibliographical madness!"

*American State Papers, vol. 12, p. 81, 85, &c.

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which it probably was, as the "Privilege du Roy" is dated September 9th, 1696, a comparison of the one with the other would satisfy any mind, that the latter, especially in all that relates to the Mississippi, was not the copyist. Besides several other engravings, extraordinary ones for the time, it contains three maps exhibiting the Mississippi in different aspects. One embracing the entire continent of North, and part of South America, showing the whole course of the river, and comparing its length with that of the St. Lawrence and the Amazon; he other of the "très grand pays entre le nouveau Mexique, et la Mer Glaciale," tracing more particularly the course of the Mississippi, which, only, was republished in the English edition of 1698; and the third "carte d'un Nouveau Monde novellement decouvert par le R. P. Louis de Hennepin, Missionnaire Recollet, natif d'Aht en Hainaut." This abundance of entirely new illustration, where there was no guide, sufficiently proves the preparation of the work from ample original resources, even if the difficulty of communication between France and Holland in time of war (the treaty of Ryswick not being concluded) did not make it next to impossible for Hennepin to have seen or to have known any thing of the work which he is accused by the North American of pirating. Tonti's adventures were published without any map or other illustration, and fixed the latitude of the mouth of the Mississippi as between the 22d and 23d degrees of latitude. Charlevoix notices this miserable guess, as one of the blunders which take all character from the work; but the Reviewer gets over it, and undertakes to correct that author, by calling it an error made in printing, as, he states, "is proved by the map, which gives this latitude four degrees nearer the truth than the text does." This is certainly a "new discovery" in criticism. The assertion of Tonti was evidently made in good faith, and was transmitted as the best information that the writer knew, to the London translation of 1698, and the words extended from figures as they appear in Tonti, p. 192, to words, the *twenty-second* and *twenty-third*. The Reviewer does not tell where he saw the map, but if he means the map in "Tonty," of which the "Sieur de Mitchell" (preface to Joutel's Journal) speaks as correcting, but even then erroneously, this latitude, it must have been attached to the reprint in the "Recueil des Voyages au Nord," vol. v. 37, 197, mentioned in the Biographie Universelle, for we hear of no other, and this took place after the publication of Hennepin's map, which gave very nearly the true latitude,—proving, if any thing, piracy from the very author whom the criticism of the North American thus categorically makes an impostor and a plagiarist.

Again, the North American cannot help suspecting that Hennepin has copied exclusively from Tonti, because his account contains not so much as the name of a tribe which the latter does not also, and omits some things which it contains, and it gives several in-

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stances of similarity which go to establish its assertion. This charge also, an examination of the two works will prove, makes very materially in Hennepin's favor, as giving by far the most striking account, and that most consistent with the face of the country—exactly such a one as the person who had seen it, on recalling from his memory the peculiar features that had left strong impressions, might have written. For instance, Tonti says, that the "river of the Ozages," (the Missouri,) when it joins the Mississippi makes it muddy for more than *twenty leagues*, without further remarks worthy of note. Hennepin, on the contrary, who *copied from Tonti*, gives a striking idea of its character and extent. He learned from the savages that it was formed of several other rivers which spring twelve days' journey from its mouth, taking its source from a mountain, from which the sea, and at time ships, might be seen; that its banks were inhabited by several nations, possessing abundance of wild oxen and beaver, and adds: "Though this river is very big, the Meschasepi *does not visibly swell*; but its waters *continue muddy to its mouth*, albeit seven other rivers fall into it, which are near as big as the Meschasepi, and whose waters are extraordinary clear." Verily, this looks more like copying from Flint than from Tonti.

Again, Tonti describes the Indians at the mouth of the Wabash exactly as might be expected from an imaginary voyager of the time, having "faces flat like plates," &c. Hennepin, though he landed there, and had intercourse with the savages, does not fall into this snare, but describes the place and occurrences as usual, without noticing what seemed to Tonti's compiler such a remarkable "stroke of beauty" in the features of its inhabitants.

In like manner our Recollet fails altogether to take notice of the wonderful village of the *Tatucas*, where Tonti was so astonished by the "grandeur of the village," and whose king, court, palace and temple make such an imposing display in his work. Nor does he mention the three channels into which the river was divided ten leagues below the great river called "*La Sablonniere*" coming from the West, which again united, after about ten leagues separate course. But Hennepin pretty accurately describes the Island of New Orleans, and the branching off of the river D'Ibberville, about the same place, forming an island sixty leagues broad; and gives such an account of the mouth of the Mississippi, as leaves out of the question all doubt of its comparative truth with that of Tonti's—saying that it runs to the sea in three channels—the banks of the river being full of reeds—and as he guessed, without instruments, between the twenty-seventh and twenty-eighth degrees of latitude. Tonti, on the contrary, finds the shores of the river as they approached the sea, all strewed with curious shells; says "that it throws itself into the Gulf of Mexico, with a large channel which is twenty leagues wide and very deep, and navigable," between the twenty

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second and twenty-third degrees of latitude, taken by calculation, which calculation, be it observed, corresponds with another observation made at Tatuca, on their way down, where they "took the altitude," and found themselves at the twenty-fifth degree of latitude. In making up its case against Hennepin, the North American takes no notice of these remarkable variations from the copy he presumed him to have pirated, and which we submit as being rather more worthy of note than the coincidences he has brought forward to prove his servile forgery.

We beg our readers to bear with us in this minute examination. It will be found presently to have a very important bearing on the interesting question of who was the first explorer of the Mississippi,—and ere long will pretty conclusively lead us to the fact that Hennepin, despite his contradictory dates and his suspicious suppression of his claims while in France, actually accomplished all that he says, and has told a story consistent with himself, and impossible to be disproved. Nay, what is more, it is exceedingly doubtful whether La Salle ever sailed down the river to the mouth of the Mississippi, and almost susceptible of demonstration, with our present means of information, that he did not.

Hennepin's books have this great advantage over all the contemporary voyages of his time, on which his credit has been assailed, that he is avowedly his own historian and editor, showing, throughout, a literary genius that places him unquestionably, as a writer, among the best voyagers in that day. His first work "Déscription de la Louisiane," was published at Paris, January 5, 1683, before La Salle had commenced his journey—but was written early in the preceding year, as is proved by the "Privilege du Roy." In this work, thus incontestably in Paris before La Salle was on the Mississippi at all, Hennepin gives a map of the country till then unknown, from Florida to the South Sea, and traces the Mississippi considerably below the point to which La Salle authorized him to go below the river Illinois, and beyond which its course was so utterly unknown that La Salle himself hoped to reach China by it. In this map, nevertheless, Hennepin continues the course of the river by a dotted line to the Gulf of Mexico, fully intimating his knowledge of its debouche nearly two years before the information acquired by La Salle was communicated to Europe. In this work also, the authenticity of which has never been disputed, he mentions his expedition, by order of La Salle, to ascend the Mississippi, and says he was accompanied by two men, Picard du Gay, *who was in Paris at the time of the publication*, ("qui est presentement à Paris") and Michel Ako. He adheres to this statement of his force in his subsequent work, and yet the North American gives it as an evidence of his base vanity and falsehood, that he not only makes the whole thing result from a consultation between himself and the commander, but that he entirely drops in

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his narrative all mention of M. Dacan who was the head of the band, which consisted of four Frenchmen and two Indians besides this commander and Father Louis. Now it is altogether improbable that Hennepin's vanity could have deprived M. Dacan and his whole command of their existence by dropping them from his narrative. The fabulous character of Tonti's adventures, on which this statement is given, we have already described, and on no other does it rest. Charlevoix, despite his distrust of the book, has copied it, and all the others have followed either one or the other. Therefore the claims of Hennepin are in no manner of danger from the shadowy M. Dacan, of whom all previous or subsequent mention equally disappears. This certainly makes for Hennepin. If he had written, in 1682, an account describing officially an expedition of which he was only the chaplain, he could not possibly have omitted all mention of his commander or of his companions, and if he had mentioned them then, and suppressed their names in 1697, when describing, at greater detail, the same voyage, he might justly have been regarded as the most absurd and insane of impostors. But he tells the same story in both works, exposing himself to instant contradiction in 1683, from a living witness, and in dedicating his book to the king himself, expressly on the ground that the journey was undertaken in consequence of instructions from La Salle, he tells the monarch that he had given the great country he had discovered the name of *Louisiana* in his honor. It is worthy of note that this is the first time the new territory is mentioned by this name, which it ever afterwards retained, and without the explanation of the facts disclosed in his subsequent volume, it would have been a misnomer, and would have been liable to the censure which Charlevoix actually bestows on it, since, says he, the country which he discovered in *ascending* the Mississippi was not Louisiana but New France. Nor is this our only circumstantial evidence. Towards the close of this first volume, Hennepin again, with an affectation of simplicity, lets out, as it were, the great secret with which he is laboring. He mentions that as he is putting the last hand to his book, in the summer of 1682, he has news from Canada, that La Salle had actually accomplished the exploration of the Mississippi, whose mighty current *he* had ascended to its source, following it to the Gulf of Mexico, and finding on its banks various nations of powerful Indians, with some other gleams of the information he was so full of. Now, while this would exactly comport with Hennepin's knowledge of La Salle's intentions when he left him, we know that his news was nearly a year and a half in advance of the actual facts,—La Salle having been prevented by sickness and various accidents from commencing his voyage down the river till February of 1683, so that information of his return and success could hardly have got to Europe before the close of the year; leaving the premature tidings of the Father to be ac-

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counted for only by his possessing an accurate personal knowledge of what La Salle would have discovered, in case he *had* gone down. This supposition is further confirmed by an additional circumstance, bearing on the question, which may as well be noted. The map published in the English edition of the New Discovery, in 1698, is an exact copy of that accompanying the first edition of the "*Louisiana*," in 1683, with the exception merely of continuing the stream of the Mississippi to the Gulf of Mexico, instead of the dotted line before mentioned, and the substitution of the arms of England for those of France, in the beautiful emblematic design round the inscription of the map,—a tolerably convincing proof that the author knew as much of the matter when the first was published as when the second.

In one of the earliest Histories of Louisiana, that by M. Dumont, which was written as a continuation of Joutel's Journal, it is stated, that when the French first arrived at the mouth of the Mississippi they saw on that barren coast, more than a league apart, two solitary trees, one of which they named "Arbre à la bouteille," from the circumstance that they found a bottle hanging from its branches containing a letter, "par laquelle on marquoit à quelque voyageur le lieu où ses associés étoient allés." The other tree was called "*la potence de Picard*," because some one of that name had the fancy to wish that if ever he should be hanged, that tree might be his gibbet. We mention this obscure circumstance, only in connection with the fact that Hennepin expressly describes his having left such a letter, signed by himself and his two companions, stating his voyage, &c., and that one of his men bore the name of "Picard;" but whether this was Hennepin's letter, or whether this Picard was the gentleman who was so particular in his choice of a situation, in such a delicate contingency as his being hanged, we have no means of ever ascertaining. We only give the circumstance in connection, as a curious coincidence, which certainly has a more direct bearing on this interesting subject than half of the strong analogies by which the greatest archæologists have sustained, or built up, towering fabrics of favorite theories. And not least in the chain, may be given the fact mentioned by the Marquis de Vergennes in his Memoire Historique et Politique sur la Louisiane, p. 87, and at greater detail in the Histoire Generale des Voïages, vol. 14, p. 627—that the English in 1699 sent an expedition, conducted by French deserters, to take possession of the mouth of the Mississippi, which was repulsed by the Chevalier Bienville, then on the spot. Coupling this fact with the urgent appeals of Hennepin for King William to undertake such an expedition, it is not improbable but that his representations may have had some share in causing it to be sent; and if they had, the directness with which they appear to have made their way, shows at least that their knowledge of the Mississippi, which must have come from Hen-

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nepin, was much more accurate than possessed by La Salle, who, at the head of an important national expedition, and having his fame and character at stake upon the result, was utterly unable to discover the mouth of the great river of which he assumed to be the discoverer, and which was the sole object of his voyage.

It is upon this fact, which is a very striking one in the history of these respective claims,—coupled with the other, not less so, that there is no where an authentic account of La Salle's having actually proceeded so far—that we are led to infer that he never was at the mouth of the Mississippi himself. Charlevoix, indeed, confesses that he cannot trace him to it on his first voyage; and coupling this absence of information, on such an important point, with his failure to reach it by sea on his last expedition, the inference is warranted, that he only proceeded far enough down the stream to learn the certainty that its debouche was in the Gulf of Mexico, when he hurried back to Canada and France, to reap the benefits he expected, probably deeming it impossible that he could miss so large a river in coasting about the site of its presumed junction with the sea. Joutel says distinctly, that La Salle never found it in his last overland journey, and his testimony must be decisive against the contrary assertion, resting only as it does on the disputed authority of Tonti's suppositious adventures.

All the circumstances carefully considered present a very curious and intricate question, and if the dates of Hennepin could be reconciled we should be compelled to give its due weight to the solemn protestation of his truth with which he opens to his readers the story of his New Discovery. "Je vous proteste ici devant Dieu que ma relation est fidele et sincere, et pouvez ajouter foy à tout ce qui y est rapporté."

A singular feature in the whole matter is the absence of authentic information respecting the discovery of the Mississippi, until 1697. No trace of any account of it occurs in any remarks that we have met written on the subject, and yet it is evident that there must exist, in the colonial archives of France, many official reports on the subject, if not the very correspondence of La Salle himself, and a search there would no doubt enable us to settle definitively this interesting question. There was a work published in Paris in 1691,* by the Father Le Clercq, which would no doubt add much to the light we already possess; but it is so scarce as to have escaped the researches of most bibliographers, and we do not believe that a copy exists in this country; we have consequently been unable to

*Premier Establissement de la Foy dans la Nouvelle France, contenant la publication de l'Evangile, l'histoire des colonies Françoises and les fameuses découvertes depuis le fleuve S. Laurent, la Louysiane & le fleuve Colbert, jusqu'au Golphe Mexique, achevées sous la conduite de feu M. de la Salle, par ordre du Roy; avec les victoires remportees en Canada par les armes de S. M. sur les Anglois & les Iroquois en 1690, &c. Par le P. Chretien le Clercq, Missionnaire Recollet, &c. Paris, 12mo. 2 vols. 1691.

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see it. It should not be forgotten, whatever it may prove, that no criticism can deprive Hennepin of a glory and a distinction, the greatest reward of all adventurous toil, and the proudest honor that can attach to a traveller. He has given their names to the eternal objects of nature, which he was the first European to behold, and connected himself indelibly with them so long as the language of the people around them shall exist, while the tinsel nomenclature of La Salle, who scattered the titles of France over the rivers and prairies of the western wilderness, has utterly vanished from the soil. Hennepin transferred to the literature and language of the old world, the Indian name of the great MISSISSIPPI, the hoary Father of waters, which he first explored; and this epithet so expressive, in its very sound, of its mighty current, and of the snake-like flow of its course, will remain with it forever. La Salle flattered the minister of the day by baptizing the glorious stream with the name of Colbert, and it scarcely lasted long enough for the first freshet that swept its channel to wash it out. In like manner, Seigneley has given place to the Indian, and Hennepin's name of Illinois; while the "Falls of St. Anthony" will ever perpetuate his good genius in the name of his patron saint; and lastly, the wandering friar has given his own name of Louis to a territory larger than France, and destined we trust to a brighter destiny in the annals of human happiness, as an American Republic, than ever his many territories knew under the Augustan sway of Louis le DIEU-DONNE, whose accident of position enabled him for a time, to enjoy the lion's share of the honor of naming Louisiana.

THE FOUNTAIN.

BY WILLIAM CULLEN BRYANT.

Fountain, that springest on this grassy slope!
Thy quick cool murmur mingles, pleasantly,
With the cool sound of breezes in the beech,
Above me in the noontide. Thou dost wear
No stain of thy dark birthplace; gushing up
From the dark mould and slimy roots of earth,
Thou flashest in the sun. The mountain air,
In winter, is not clearer, nor the dew
That shines on mountain blossom. Thus doth God
Bring, from the dark and foul, the pure and bright.

This tangled thicket on the bank above,
Thy basin, how thy waters keep it green!

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For thou dost feed the roots of the wild vine
That trails all over it, and to the twigs
Ties fast her clusters. There the spice-bush lifts
Her leafy lances; the viburnum there,
Paler of foliage, to the sun holds up
Her circlet of green berries. In and out
The chipping-sparrow, in her coat of brown,
Steals, silently, lest I should mark her nest.

Not such thou wert of yore, ere those old woods
Bowed to the white man's axe. Then hoary trunks
Of oak, and plane, and hickory o'er thee held
A mighty canopy. When April winds
Grew soft, the maple burst into a flush
Of scarlet flowers. The tulip tree, high up,
Opened, in airs of June, her multitude
Of golden chalices to humming-birds
And silken-winged insects of the sky.

Frail wood-plants clustered round thy edge in Spring.
The liverleaf put forth her sister blooms
Of faintest blue. Here the quick-footed wolf,
Passing to lap thy waters, crushed the flower
Of Sanguinaria, from whose brittle stem
The red drops fell like blood. The deer too left
Her delicate foot-prints in the soft moist mould,
And on the fallen leaves. The slow-paced bear,
In such a sultry summer noon as this,
Stopped at thy stream, and drank, and leaped across.

But thou hast histories that stir the heart
With deeper feeling; while I look on thee
They rise before me. I behold the scene
Hoary again with forests; I behold
The Indian warrior, whom a hand unseen
Has smitten with his death wound in the woods,
Creep slowly to thy well known rivulet,
And slake his death-thirst. Hark, that quick fierce cry
That rends the utter silence; 'tis the whoop
Of battle, and a throng of savage men
With naked arms, and faces stained like blood,
Fill the green wilderness; the long bare arms
Are heaved aloft, bows twang and arrows stream.
Each makes a tree his shield, and every tree

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Sends forth its arrow. Fierce the fight and short,
As is the whirlwind. Soon the conquerors
And conquered vanish, and the dead remain
Gashed horribly with tomahawks. The woods
Are still again, the frighted bird comes back
And plumes her wings, but thy sweet waters run
Crimson with blood. Then, as the sun goes down,
Amid the deepening twilight I descry
Figures of men that crouch and creep unheard,
And bear away the dead. The next day's shower
Shall wash the tokens of the fight away.

I look again—a hunter's lodge is built,
With poles and boughs, beside thy crystal well,
While the meek autumn stains the woods with gold,
And sheds his golden sunshine. To the door
The red man slowly drags the enormous bear
Slain in the chesnut thicket, or flings down
The deer from his strong shoulders. Shaggy fells
Of wolf and cougar hang upon the walls,
And loud the black-eyed Indian maidens laugh,
That gather, from the rustling heaps of leaves,
The hickory's white nuts, and the dark fruit
That falls from the gray butternut's long boughs.

So centuries passed by, and still the woods
Blossomed in spring, and reddened when the year
Grew chill, and glistened in the frozen rains
Of winter, till the white man swung the axe
Beside thee—signal of a mighty change.
Then all around was heard the crash of trees,
Trembling awhile and rushing to the ground,
The low of ox, and shouts of men who fired
The brushwood, or who tore the earth with ploughs.
The grain sprang thick and tall, and hid in green
The blackened hill side; ranks of spiky maize
Rose like a host embattled; the buck-wheat
Whitened broad acres, sweetening with its flowers
The August wind. White cottages were seen
With rose-trees at the windows; barns from which
Swelled loud and shrill the cry of chanticleer;
Pastures where rolled and neighed the lordly horse,
And white flocks browsed and bleated. A rich turf
Of grasses brought from far o'ercrept thy bank,

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Spotted with the white clover. Blue-eyed girls
Brought pails and dipped them in thy crystal pool;
And children, ruddy-cheeked and flaxen-haired,
Gathered the glistening cowslip from thy edge.

Since then, what steps have trod thy border! Here,
On thy green bank, the woodman of the swamp
Has laid his axe, the reaper of the hill
His sickle, as they stooped to taste thy stream.
The sportsman, tired with wandering in the still
September noon, has bathed his heated brow
In thy cool current. Shouting boys, let loose
For a wild holyday, have quaintly shaped
Into a cup the folded linden leaf,
And dipped thy sliding crystal. From the wars
Returning, the plumed soldier by thy side
Has sat, and mused how pleasant 'twere to dwell
In such a spot, and be as free as thou,
And move for no man's bidding more. At eve,
When thou wert crimson with the crimson sky,
Lovers have gazed upon thee, and have thought
Their mingled lives should flow as peacefully
And brightly as thy waters. Here the sage,
Gazing into thy self-replenished depth,
Has seen eternal order circumscribe
And bind the motions of eternal change,
And from the gushing of thy simple fount
Has reasoned to the mighty universe.

Is there no other change for thee, that lurks
Among the future ages? Will not man
Seek out strange arts to wither and deform
The pleasant landscape which thou makest green?
Or shall the veins that feed thy constant stream
Be choked in middle earth, and flow no more
Forever, that the water plants along
Thy channel perish, and the bird in vain
Alight to drink? Haply shall these green hills
Sink, with the lapse of years, into the gulf
Of ocean waters, and thy source be lost
Amidst the bitter brine? Or shall they rise
Upheaved in broken cliffs and airy peaks,
Haunts of the eagle and the snake, and thou
Gush midway from the bare and barren steep?

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POLITICAL PORTRAITS.

No. XII.

SILAS WRIGHT, JR.

The writer was invited one morning during the session of Congress in September, 1837, by a friend, to accompany him to the Senate chamber. The Vice President had not yet taken the Chair. A large number of the members, however, had assembled, some of whom were busily employed at their desks—others were looking leisurely over the newspapers—and others again were collected into groups, and engaged in familiar conversation.

The attention of the writer was soon attracted to an individual rather retiring in his manner—plainly but neatly dressed—of a stout muscular frame—whose countenance, as he spoke to those about him, was lighted up with a peculiarly pleasing and sunshiny smile. His open and serene forehead, and gentle but penetrating blue eye, seemed to mark their possessor as no ordinary man. On inquiring the name of this person, the reply was, "That is no other than Mr. Wright, of New York."

Having read the speeches of this gentleman, when at our home in the Southwest, with instruction as well as pleasure, and never having seen him before, we therefore scanned him the more narrowly. His features, when at rest, shadowed forth a mind full of benignity and power—that was rent by no stormy passions—that cherished no embittered or permanent feeling of enmity towards any living mortal—and that looked at all times and under all circumstances on the bright side of the picture of human life. It was readily evident, even to the casual observer, that Mr. Wright was on the best footing of personal relations with his political opponents as well as his political friends.

Silas Wright, Jr. was born in the town of Amherst, Massachusetts, on the 24th of May, 1795. Both his parents were natives of the county of Hampshire. They had nine children—five sons and four daughters—two of whom died in infancy; the rest, together with the father and mother, are now living. The elder Mr. Wright was by trade a tanner, currier, and shoemaker; which occupation he followed until March, 1796, when he removed to the town of Weybridge, Addison county, Vermont, where he purchased a farm, and where he has ever since devoted himself exclusively to its cultivation. All the family, except Silas and his youngest sister, still reside in Vermont. The brothers, one only

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of whom is a graduate of a college, are all likewise farmers. The sisters married farmers, and one of them, a widow, now carries on a farm with the assistance of her sons; so that the whole family may most emphatically be regarded as the children of the plough—than which we know no more honorable designation that wealth or rank could bestow.

Mr. Wright, the father, was indentured as an apprentice to his trade at an early age, and never was at school a day in his life. When he had "served out his time," he could neither read nor write; but with the assistance of his fellow journeymen, he soon qualified himself both to read and to write, as well as to keep accounts and transact business with accuracy and facility. After his marriage his wife became his instructress—a service which she performed with all a woman's devotion and alacrity, and with a success proportionate to her own interest in the labor of love, and to the willing docility of her pupil.

Silas, like most of the rising youth of New England, attended the common schools in winter, and worked on the farm in summer, until he had passed his fourteenth year, when he was placed at an academy, that he might be prepared to enter college. The father perceived that his son was rarely endowed by nature, and was therefore the more anxious that he should enjoy the benefits of education denied by circumstances to himself. The tradition is, that he always regarded him with peculiar pride and delight, as destined to be the chief hope and ornament of the family.

In August, 1811, Mr. Wright became a student of the college at Middlebury, Vermont, where he remained until the summer of 1815, when he received his first degree of Bachelor of Arts.

The elder Mr. Wright has always been an earnest and determined Democrat. He became such during the first contest for the Presidency, in 1796, between Adams and Jefferson. On that occasion he supported the latter zealously, and has ever since cherished for his name and principles a veneration which time has rather increased than diminished. Even now he is a warm and active politician, within the limited sphere in which he moves. Between 1800 and 1810, he was repeatedly elected a member of the Legislature, and has ever been an ardent and firm Republican. He and his oldest son were in the battle of Plattsburg, under Macomb, in September, 1814, when the British fleet was captured on Lake Champlain, by McDonough, and Sir George Prevost with his forces defeated and driven back into Canada.

The husbands of two sisters of Mr. Wright were also in that battle as volunteers from the "Green Mountains," although the Federal Governor of Vermont, following the treacherous and cowardly example of Governors Strong of Massachusetts, Jones of Rhode Island, and Griswold of Connecticut, had positively refused

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to call out a single man to defend the invaded territory and habitations of an adjoining State,—on the unworthy position that the militia could not be required to pass beyond the boundary lines of those States of which they were citizens.

During the four years passed by Mr. Wright in college, the number of the class to which he belonged averaged about thirty. Then, as now, every student was a politician, and called himself either a Federalist or Democrat. Of the latter there were in this class only four, of whom it will readily be conceived that young Wright was one of the most ardent. His politics were never better known than at this period of his life. In October, 1815, he commenced the study of the law with Mr. Martindale, who resided at Sandy Hill, Washington county, New York, where he remained about eighteen months; when he removed to the office of Roger Skinner, Esq., which presented superior opportunities for acquiring a knowledge of the details of business, as he was at that time the attorney of the United States for the northern district of that State.

In January, 1819, Mr. Wright completed his preparatory legal studies, and was licensed to practice as an attorney of the Supreme Court of New York. His health being impaired by intense application to his books and at his desk, he spent the ensuing summer in travelling on horseback for its restoration, and with the view of selecting a place where he might settle himself permanently.

In October, 1819, he removed to Canton, in the county of St. Lawrence, and opened an office. The village was new, and the business in the courts both limited and unprofitable, so that the young lawyer made but little by his practice. His father was able to advance him only two hundred dollars to "start with," with one half of which he purchased a few books, while the other half served for a time to assist him to meet his immediate necessities.

We can easily imagine how forlorn must have been the situation of young Wright, in this the commencement of his professional career—without property or any relatives or friends near him, and surrounded by strangers—and when he saw that he must rely solely on his own efforts and merits to sustain himself. Yet we do not doubt, could the truth be known, that in this trying crisis he found precious consolation in the conviction that he must rise by the force of his abilities to distinction. It is this early suffering and training that prepare men of great talents to make their way good up the steep and rugged ascents of fame.

Finding that his small means were rapidly wasting away, Mr. Wright consented to accept the office of village postmaster, the emoluments being equal perhaps to one or two dollars a week. Here he had full opportunity to manifest that naturally kind and obliging disposition, of which, wherever his subsequent course of

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life has led him, he appears to have equally every where left the most pleasing impression.

After some time Mr. Wright was appointed the captain of a militia company; and the memory of the village chroniclers bears testimony that the able and amiable Senator was one of the most indulgent and popular of militia captains, and that "the boys" soon became warmly attached to him. The next public office which he held was that of a justice of the peace, the duties of which he discharged entirely to the satisfaction of the people, and thereby extended his acquaintance with them. He was not long afterwards commissioned as the Surrogate of the county of St. Lawrence, a situation rather more important and profitable than those which he had previously held.

But the public soon appreciated justly the abilities, studious habits, attainments and integrity of the young barrister. In the fall of the year 1823, without the slightest expectation of such an event on his part, Mr. Wright was nominated by his Democratic friends as a candidate for the office of Senator in the State Legislature. There was an overwhelming Federal majority in the county of St. Lawrence when Mr. Wright first settled in it; yet he had taken especial care to express, in the most public manner, his devotion to the principles of the Republican party. Still he was elected for the term of four years, and took his seat on the first Tuesday of January, 1824. During this winter the contest for the Presidency was waged in New York, as well as in other States of the Union, with the utmost violence. It resulted in the election of Mr. John Q. Adams by the House of Representatives, in February, 1825. The individuals voted for were Crawford, Jackson, Adams, and Clay. A caucus, composed of a portion of the members of Congress, had been held at Washington, which had nominated Mr. Crawford as the candidate of the old Republican party. At one time Mr. Calhoun's claims had been earnestly pressed in Pennsylvania, by many leading politicians who were devoted to his interests, but the great mass of the people there had espoused the cause of General Jackson.

The friends of Jackson, Clay and Adams had refused peremptorily to submit their claims to the arbitrament of a caucus, which caused the division, distraction and defeat of the Democracy. Mr Wright, adhering as he has ever done to the principles of his party, advocated Mr. Crawford's election.

In order to defeat this wise, honest and fearless man, in New York and the contiguous States, a large number of politicians exhausted all their ingenuity and skill, secretly and assiduously, in exciting prejudices against the South. Appeals were made in behalf of Mr. Adams to the pride of the people, and it was urged

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that all the other candidates were southern men. By these means large numbers were decoyed from the Democratic into the Federal ranks.

From the time of the adoption of the Federal Constitution, up to the period of which we are now speaking, the electors of President and Vice President in the State of New York had been chosen by the Legislature. The Federal party which supported Mr. Adams, having ascertained that the Republicans had elected a large majority of their friends to the Legislature, in order that they might have another chance, raised the cry that the electors ought to be chosen by the people. The followers of Mr. Clay, who were comparatively few, aided in this movement. As matters then stood, it was certain that Mr. Crawford would receive the undivided vote of the State. The conductors of the Federal presses joined in with this cry, and every where proclaimed that those members of the Assembly who should refuse to repeal the law which had been so long in force, without complaint from any quarter, were enemies to liberty, to the Constitution, and to the rights of the sovereign people!

It was insisted by the Republicans that there was much danger that the election of the President might be referred to the House of Representatives—that there bargain, intrigue, and management might be practised—that so great a State as New York should neither divide her vote in the electoral college, and thereby impair her strength, nor aid in any way in taking the election to a body where her political weight could not be an atom greater than that of Rhode Island or Delaware.

But the timid in the more popular branch of the Legislature became alarmed, and gave way, so that the Federalists gained the ascendancy there. A bill was passed in the lower House, giving the choice of Presidential electors to the people, which was thrown upon the Senate for its action. This body contains thirty-two members, of which seventeen were a bare majority. Every member, except one, was a Democrat on paper, and had been returned as such; and yet, when this bill was called up for discussion, only seventeen had the courage to oppose it, and denounce the views and schemes of those who had concocted and passed it. They stood to their posts unterrified, and rejected the bill. Immediately, every where throughout the State, they were assailed by the Federal opposition, and branded as "usurpers and tyrants"—as the "infamous seventeen"—as the "immortally infamous seventeen;" and so great was the height to which the popular fury was excited by the assiduous arts of the agitators, that they were burned and hanged in effigy in many parts of the country.

At the general election of November, 1824, the Democracy was utterly defeated. The candidate of the Opposition for the Executive chair received a majority of seventeen thousand votes. Gene-

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ral James Tallmadge, who had belonged to, and been a leader in, the Republican ranks, went over to the enemy. He was elected Lieutenant-Governor by a majority of thirty-four thousand.

A large number of the *seventeen* remained in the Senate during the session of 1825. The "victors" quarrelled, and fell into distraction. In this condition of affairs, these seventeen exercised a controlling power over the acts of the Legislature. A vacancy was about to occur in the Senate of the United States. An individual who had belonged to the Democratic party, but who had deserted and gone over to the Federalists, was presented to the Senate, a majority of whom declared that they would not vote for this individual, nor would they accept of his nomination. The House refused to designate any one else, and there was, precisely as has been again recently witnessed, no election. At the ensuing general election in 1826, the Republicans—precisely as we trust will again be witnessed—carried the State, and one of their friends was chosen the Senator.

It was at this election that Mr. Wright was nominated to represent the district in which he resided, in the Congress of the United States. He had acquired a high reputation for ability and independence in the discharge of his official duty. This was the first occasion on which any one of the *seventeen* had come before the people, since the memorable events already detailed had occurred. The contest was bitter beyond all former example, yet Mr. Wright beat his competitor by five hundred votes. In December, 1827, he took his seat. This was the year before the second contest between Jackson and Adams. The Republican party in New York had rallied, and espoused the cause of the former. At the election of 1828, Mr. Wright was again a candidate for Congress, in what was called a double district; and notwithstanding that there was much foul play and treachery practised against him, he was successful. His certificate, however, was refused him, and he was compelled to contend for his seat before the House of Representatives, where a decision was made in his favor.

Early in February, 1829, whilst Mr. Wright was employed in the discharge of his duties at Washington, he received from the Legislature of New York the appointment of Comptroller, whose services, with regard to the financial affairs of that State, correspond precisely with those of the Secretary of the Treasury, with regard to the financial concerns of the Union. This office is held for three years. Mr. Wright served out his first term to the entire satisfaction of the public, and was re-elected in 1832. In this year, William L. Marcy, who was a Senator in Congress from New York, was chosen Governor, and was sworn into office on the first day of January, 1833. Mr. Wright was elected to succeed him, and forthwith took his seat. His first term expired on the third of

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March, 1837, but on the first Tuesday of the preceding February he was reëlected for the constitutional period of six years.

Opportunity to display his eminent abilities was all that Mr. Wright required to secure his rapid advancement. Within twelve years the "village justice" had become one of the Representatives of the sovereignty, of the "Empire State," containing nearly two millions of people. In October, 1833, occurred the famous removal of the deposites. The Opposition, who held the majority in the Senate, determined to attack this bold measure there, and to pass a direct and disgraceful censure upon the Executive. It is unnecessary here to advert to the extensive preparations that were made to render this premeditated assault fatal to the Administration,—the history of that stormy and eventful period being doubtless still fresh in the memory of most of our readers.

When Congress assembled in December, the galleries of the Senate chamber were enlarged, that a greater number of the crowd might find admission. The leaders in that body declaimed loudly, and were even cheered by the clamorous plaudits of the auditors. One of them proclaimed that the nation was in the midst of a revolution, "bloodless as yet;" and another, who addressed a multitude that had assembled in a neighbouring city to welcome his arrival on the Sabbath day, declared that "in times of revolution there were no Sabbaths."

Committees, comprehending large numbers, were raised in the cities, and deputed to wait on the President and demand the restoration of the public monies to the custody of the Bank. The parent institution, as well as some of its branches, made heavy and rapid curtailments of their discounts. Efforts were used to spread the panic from the towns into the country, and amongst all classes, as if the existence and prosperity of a great people depended upon the will and policy of a single corporation. Those who were associated in this conspiracy predicted universal ruin, and distributed in every direction inflammatory and abusive publications against the Administration.

Those men, however, who viewed these scenes through the medium of an unclouded reason, thought that if an institution chartered by Congress could, in a time of profound peace, when there was no national debt—no calamity resting upon the country—cause such deep and extensive excitement, it must be clothed with a power which would under different circumstances be dangerous to the liberties of the people, and enable it to become in effect the government. Week after week rolled away, and the orators poured forth their thundering philippics, and essayed innumerable arts to drive the Executive—a man distinguished above any other man of the nation for the fixedness of his purposes and the intensity of his will—from the bold and perilous position which he had assumed.

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It was at this point of this remarkable discussion that it became the duty of Mr. Wright, Mr. Forsyth and others, to repel the charges which had been thus preferred against the administration which they supported, and to defend the course which had been pursued towards the Bank. This was the first occasion on which Mr. Wright had enjoyed an opportunity to act a distinguished part in the deliberations of the Senate, since he had become a member of it. It is almost superfluous to say that he even exceeded the expectations of his friends.

There is in all the movements of Mr. Wright an air of quietness and resolution, of modesty and mildness, which is generally found in a public speaker who feels an unshaken confidence in his intellectual strength and in the justice of his cause. When he rose, the Opposition became profoundly attentive, because they knew that he possessed the entire confidence of the Executive, and therefore that whatever revelations he might make were to be regarded as authentic and conclusive. It was evident, in a few moments after he had risen, that he had prepared himself fully, and that he would be able to present the truth with simplicity—without hesitation or the least affectation. During the two hours that he occupied the floor, he invoked the aid of no rhetorical figures, nor was there in a single sentence that fell from him the slightest tinge of passion or prejudice, or embittered feeling. Whilst his adversaries had spoken to the throng within and without the Senate, the young Senator spoke to *it*, and through it to the whole nation. It was curious to observe with what coolness, energy and effect, combined with the most unruffled courtesy, the orator dispelled, one after another, the delusions under which the Opposition had been laboring; and when he at last announced that the Executive was content to appeal from any sentence which they might pronounce, back to the people from whom he and they alike derived their respective powers, the effect was wholly irresistible. It forewarned the Federal members, and truly too, that the tempestuous passions of the Senate chamber would soon be quelled by the solemn judgments of their constituents. Mr. Wright passed through this memorable contest as became one of his rare gifts. Even his opponents confessed with admiration the skill and ingenuity of the speaker's logic, and placed him at once in the very front rank of the friends of the Administration, side by side with the best and foremost; while many have been accustomed to assign him the first place, as the Administration "leader" in the Senate, for weight, soundness, discretion and eloquence.

Towards the spring the panic ceased—the people in the towns returned to their usual avocations, and those in the country to their ploughs. And now, when we can look calmly on the transactions of that period, we are astonished that the leaders of the Opposition should have committed such gross errors in judgment, and em-

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barked in a controversy which they ought to have foreseen, from the nature of the principles involved in it, to be so utterly hopeless.

It will be asked if Mr. Wright is an *orator*. In the common sense of the term, he is not. We have never known him excited beyond his usual level of cool equanimity. He never declaims, he never addresses the passions, nor attempts to charm the imagination with the figures or embellishments of rhetoric. His voice is not melodious, though after listening to it for a short time it becomes not unpleasing. His enunciation is slow, but distinct and fluent. The same accurate logical precision characterizes his language and his thoughts. He is the most perfectly calm, methodical and logical speaker that we have ever listened to. His opinions are habitually marked by moderation—by a constant regard to the results of actual experience, as well as the dictates of an enlarged reason—by a fixed determination to be practical, at the same time that he is giving scope to the broadest general views. In his speeches there is nothing of the never-ceasing labors of Benton: nothing of the abstractions—the rapid and grand generalization—the intellectual exuberance—the eagerness and fiery breath, of Calhoun; nothing of the silver tones, the splendid amplification, of Clay; nor the rapid thoughts, the wit and pleasantry, of Crittenden. The eloquence of Mr. Wright bears the stamp of deep reflection, of firm counsels; and over every sentence which he utters there breathes a profound knowledge of the principles which he maintains. He states the question to be examined, as well as the positions which he assumes, with a clearness and force which gain the admiration of his adversaries; and when he replies, he makes his approaches like a skilful artillerist, who covers himself by a parapet or a case-mate when he is about to demolish the fortress of the enemy.

Mr. Wright is now, and has been for several of the last sessions of Congress, at the head of the Committee of Finance of the Senate; and never did any man discharge the duties of that elevated position with more indefatigable industry or greater ability.

It may gratify the curious to know the pursuits of Mr Wright, when at his own home and fireside. The writer is able to speak on this subject from the best authority. An officer of the highest command in our army, on being asked by the writer if he had seen Mr. Wright whilst on the northern frontier during the last summer and autumn, replied in the following short narrative:—"I had occasion to visit Canton in October, and as soon as I arrived I enquired for the residence of Mr. Wright. I was directed to a small neat cottage, whither I made my way; and on approaching it I saw a man with his coat off, wheeling a wheelbarrow along one of the walks of a very large garden which was attached to the house. As I came near, I discovered that the laborer was my friend

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Wright. He received me with great cordiality; said that his garden was cultivated mainly by his own hands, and that he was putting away his winter vegetables, and preparing to depart for Washington towards the last of the coming month. He further said, with the greatest apparent satisfaction, that he had recently purchased a farm, and intended to extend his agricultural operations. He was asked how large the farm was that he had purchased,—to which he said, *twenty acres!*—that either from natural inclination, or the effect of early habits, he was much devoted to the pure and simple pursuits and pleasures of the country."

Mr. Wright is hardly as yet in the flower of his age. From the foregoing details, it is more than probable that he has reached in the Senate only another of the resting places of his political march.

MUSINGS.

"*We are the fools of time.*"—*Manfred.*

'The dead and witching hour of night,' is passed,
  But slumber hath not her oblivion sweet
O'er sense and wearied spirit kindly cast;
  I turn me from the place where thronging meet
The little world, who in a ball-room greet,
  And with the ready jest and thoughtless smile
Betray the hours that time can ne'er repeat,
  Masking with outward show the cold heart's guile,
  To hold communion with thy *truer self* awhile!

There's nothing that I see but I could love!
  There's nought the world's great architect hath wrought,
Which matter binds in sleep, or soul doth move
  To life and action, and inform with thought,
But I've from its indwelling beauty caught
  A feeling as of kindred, a desire
For the sweet wisdom by that beauty taught,
  Whether the smallest flower it inspire,
  Or write upon the heavens, in lines of light'ning fire.

I've watched the tempest burst o'er Catskill's height,
  When from his hand, the hiding of his power,
God hurled his storm-bolts with unerring flight,
  Scatt'ring the mighty trees that heavenward tower,

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While the affrighted hills did quake and cower,
  As tho' upon the tempest's voice was poured,
In the dread thunder of his angry hour,
  The awful accents of the tempest's Lord,—
  And I have felt the joy such scenes alone afford!

I've wandered in the silent hours of night
  Along the margin of broad Hudson's wave,
And fancied that the moon-beams soft and bright
  Were Dian and her nymphs who there did lave
In the clear waters, which to heaven gave
  Their mirrored beauties back; while murm'ring trees,
Beneath the banks that rose in shadows grave,
  Bent o'er its bosom to the passing breeze,
  As from their wat'ry counterfeits a kiss to seize.

And of the brimming cup, that nature fills
  With the ennobling essence which each part
Of her most glorious workmanship distills,
  I've deeply drank, till I forgot the smart
Of a proud spirit and a restless heart,
  In sweet oblivion of the troubled past;
And like the mariner, when human art
  Yields to the calm that binds his vessel fast,
  In quiet dreams the anchor of my soul have cast.

Ah, he who hopes to find in woman's love
  That happiness for which the heart doth yearn,
Is like the star-watcher who looks above,
  Where palely with an unknown light they burn,
And as from star to star his eye doth turn,
  Fancies them peopled all with beings bright!
He wakens from his dream to sadly learn
  He can but see the outward form and light,—
  What deeper lies within is hid from mortal sight!

Where shall I turn—to friendship? I'm alone,
  Companions have I few—and of that few,
Beats not for me e'en in the breast of one
  A throb of friendship pure, or feeling true,
And were I to pour out, as here I do,
  To them, the thoughts from truth and feeling born,
As rhapsodies unmeaning they would view
  The fruitless wishes over which I mourn,
  And meet with passing jest, or fool's distracting scorn.

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Or if imagination soars aloft,
  And half forgets the world in fancies high,
Just as it breathes an inspiration soft,
  And mid the clouds that on a sunset sky
Flash back, as from earth's brightest jewelry,
  The thousand glories by the day-god given,
A path of roseate brilliance can descry,
  To the declining majesty of Heaven,
  As thro' their shadowy piles it were for angels riven,—

And while each faculty is strained to hear,
  Expecting in high rapture that some sound,
With deepest mysteries fraught, upon the ear
  Will thrilling burst thro' the thick silence 'round,—
Then from foul fen and bog of earthly ground
  Roll up the world's impurities—and all
Wherein the soul had full expansion found,
  Is hidden by the darkly shadowing pall
  Wrought o'er our mental sight by our first father's fall!

But even when thus backward forced, and taught
  The limits beyond which we may not go,
There wandereth thro' the mind's recesses thought
  Glorious and spirit-like, but dim—as though
Its essence were too pure for words to show
  Its form and fashion into certainty—
A moment—it is gone—ere we can know
  Its passage, while the frame thrills, and the eye
  Quails as from something higher than mortality.

And thus we are "*the fools of time*,"—whatever
  We seek to greatly know, or strive to win,
Fades quick away, ere we can say "tis here!"
  Such are we now—nor hath time ever been,
Since first our god-like nature, fouled by sin,
  Rushed on its downward course with loosened rein,
That any could to thought unshackled win,
  And soar away from lowly perch and chain,
  To gaze undazzled on the glorious sun again!

S. W. C

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OLD IRONSIDES ON A LEE SHORE.

BY AN EYE WITNESS.

It was at the close of a stormy day in the year 1835, when the gallant frigate Constitution, under the command of Captain Elliott—having on board the late Edward Livingston, late Minister at the Court of France, and his family, and manned by nearly five hundred souls—drew near to "the chops" of the English Channel. For four days she had been beating down from Plymouth, and on the fifth, at evening, she made her last tack from the French coast.

The watch was set at eight P. M.—The Captain came on deck soon after, and having ascertained the bearing of Scilly, gave orders to keep the ship 'full and bye,' remarking at the same time to the officer of the deck, that he might make the light on the lee beam, but, he stated, he thought it more than probable that he would pass it without seeing it. He then 'turned in,' as did most of the idlers, and the starboard watch.

At a quarter past nine, P. M., the ship headed west by compass, when the call of "Light O!" was heard from the fore-topsail-yard.

"Where away?" asked the officer of the deck

"Three points on the lee bow," replied the look-out-man; which the unprofessional reader will readily understand to mean very nearly straight ahead. At this moment, the Captain appeared and took the trumpet.

"Call all hands," was his immediate order.

"All hands!" whistled the boatswain, with the long shrill summons familiar to the ears of all who have ever been on board of a man-of-war.

"All hands," screamed the boatswain's mates; and ere the last echo died away all but the sick were upon deck.

The ship was staggering through a heavy swell from the Bay of Biscay; the gale, which had been blowing several days, had increased to a severity that was not to be made light of. The breakers, where Sir Cloudesley Shovel and his fleet were destroyed, in the days of Queen Anne, sang their song of death before, and the Dead-Man's Ledge replied in hoarser notes behind us. To go ahead seemed to be death, and to attempt to go about was sure destruction.

The first thing that caught the eye of the Captain was the furled mainsail, which he had ordered to be carried throughout the even-

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ing—the hauling up of which, contrary to the last order that he had given on leaving the deck, had caused the ship to fall off to leeward two points, and had thus led her into a position on "a lee shore," upon which a strong gale was blowing her, in which the chance of safety appeared to the stoutest nerves almost hopeless. That sole chance consisted in standing on, to carry us through the breakers of Scilly, or by a close graze along their outer ledge. Was this destined to be the end of the gallant old ship, consecrated by so many a prayer and blessing from the heart of a nation!

"Why is the mainsail up, when I ordered it set?" cried the Captain in a tremendous voice.

"Finding that she pitched her bows under, I took it in, under your general order, sir, that the officer of the deck should carry sail according to his discretion," replied the Lieutenant in command.

"Heave the log," was the prompt command, to the master's mate. The log was thrown.

"How fast does she go?"

"Five knots and a half, sir."

"Board the main tack, sir."

"She will not bear it," said the officer of the deck.

"Board the main tack," thundered the Captain. "Keep her full and bye, Quartermaster."

"Aye! aye, sir!" The tack was boarded.

"Haul aft the main sheet," shouted the Captain, and aft it went like the spreading of a sea bird's wing, giving the huge sail to the gale.

"Give her the lee helm when she goes into the sea," cried the Captain.

"Aye! aye! sir! she has it," growled out the old sea-dog at the binnacle.

"Right your helm, keep her full and bye."

"Aye! aye! sir! full and bye she is," was the prompt answer from the helm.

"How fast does she go?"

"Eight knots and a half, sir."

"How bears the light?"

"Nearly a beam sir."

"Keep her away half a point."

"How fast does she go?"

"Nine knots, sir."

"Steady, so!" returned the Captain.

"Steady," answered the helmsman, and all was the silence of the grave upon that crowded deck—except the howling of the storm—for a space of time that seemed to my imagination almost an age.

It was a trying hour with us—unless we could carry sail so as to go at the rate of nine knots an hour, we must of necessity dash

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upon Scilly, and who ever touched those rocks and lived during a storm? The sea ran very high, the rain fell in sheets, the sky was one black curtain, illumined only by the faint light which was to mark our deliverance, or stand a monument of our destruction. The wind had got above whistling, it came in puffs, that flattened the waves, and made our old frigate settle to her bearings, while every thing on board seemed cracking into pieces. At this moment the carpenter reported that the left bolt of the weather fore-shroud had drawn.

"Get on the luffs, and set them on all the weather shrouds. Keep her at small helm, quartermaster, and ease her in the sea," were the orders of the Captain.

The luffs were soon put upon the weather shrouds, which of course relieved the chains and channels, but many an anxious eye was turned towards the remaining bolts, for upon them depended the masts, and upon the masts depended the safety of the ship—for with one foot of canvass less she could not live fifteen minutes.

Onward plunged the overladen frigate, and at every surge she seemed bent upon making the deep, the sailor's grave, and her live-oak sides, his coffin of glory. She had been fitted out at Boston when the thermometer was below zero. Her shrouds of course therefore slackened at every strain, and her unwieldy masts (for she had those designed for the frigate Cumberland, a much larger ship,) seemed ready to jump out of her. And now, while all was apprehension, another bolt drew!—and then another!—until at last, our whole stay was placed upon a single bolt less than a man's wrist in circumference. Still the good iron clung to the solid wood, and bore us alongside the breakers, though in a most fearful proximity to them. This thrilling incident has never, I believe, been noticed in public, but it is the literal fact—which I make not the slightest attempt to embellish. As we gallopped on—for I can compare our vessel's leaping to nothing else—the rocks seemed very near us. Dark as was the night, the white foam scowled around their black heads, while the spray fell over us, and the thunder of the dashing surge sounded like the awful knell that the ocean was singing for the victims it was eager to engulph.

At length the light bore upon our quarter, and the broad Atlantic rolled its white caps before us. During this time all were silent, each officer and man was at his post, and the bearing and countenance of the Captainseemed to give encouragement to every person on board. With but a bare possibility of saving the ship and those on board, he placed his reliance upon his nautical skill and courage, and by carrying the mainsail when in any other situation it would have been considered a suicidal act, *he weathered the lee shore, and saved the Constitution.*

The mainsail was now hauled up, by light hearts and strong

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hands, the jib and spanker taken in, and from the light of Scilly the gallant vessel, under close reefed topsails and main trysails, took her departure and danced merrily over the deep towards the United States.

"Pipe down," said the Captain to the First Lieutenant, "and splice the main brace." "Pipe down," echoed the First Lieutenant to the boatswain. "Pipe down," whistled the boatswain to the crew, and "pipe down" it was.

Soon the "Jack of the Dust" held his levee on the main gun-deck, and the weather-beaten tars, as they gathered about the grog tub, and luxuriated upon a full allowance of Old Rye, forgot all their perils and fatigue.

"How near the rocks did we go," said I to one of the master's mates the next morning. He made no reply, but taking down his chart, showed me a pencil line *between the outside shoal and the Light-House Island*, which must have been a small strait for a fisherman to run his smack through in good weather by day-light.

For what is the noble and dear old frigate reserved!

I went upon deck; the sea was calm, a gentle breeze was swelling our canvass from mainsail to royal, the Isles of Scilly had sank in the eastern waters, and the clouds of the dying storm were rolling off in broken masses to the northward and westward, like the flying columns of a beaten army.

I have been in many a gale of wind, and have past through scenes of great danger: but never, before or since, have I experienced an hour so terrific, as that when the Constitution was laboring, with the lives of five hundred men hanging on a single small iron bolt, to weather Scilly, on the night of the 11th of May, 1835.

Note.—During the gale, Mrs. Livingston inquired of the Captain, if we were not in great danger, to which he replied as soon as we had passed Scilly, "You are as safe as you would be in the aisle of a church." It is singular that the frigate Boston, Captain McNeal, about the close of the Revolution, escaped a similar danger while employed in carrying out to France Chancellor Livingston, a relative of Edward's, and also Minister to the Court of St. Cloud. He likewise had his wife on board, and while the vessel was weathering a lee shore, Mrs. Livingston asked the Captain—a rough but gallant old fire-eater—if they were not in great danger; to which he replied—"You had better, Madam, get down upon your knees, and pray to your God to forgive you your numerous sins, for if we don't carry by this point, we shall all be in h—ll in five minutes."

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THE

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THE GENERAL BANKING LAW OF THE STATE OF NEW YORK.

The "*Act to authorize the business of banking*," enacted by the Legislature of the State of New York on the 18th of April, 1838, is so important in its influence upon the commercial transactions of the nation, through the great capital of commerce, and has attracted so much attention, likely to result in extensive imitation in different sections of the Union, that we can hardly fail in rendering some service to our readers by laying before them the provisions of the act, together with such suggestions as the act itself, and the experience of a single year, may give rise to.

The measure itself was a concession of the Whig party to the progress of Democratic sentiments. The flagitious corruption of the close banking system; the intrigue and bribery employed to obtain exclusive charters; the extortions and oppressions practised by the corporations; the losses sustained by the community from their frauds; and their final universal violation of their solemn contracts, both with the Government and the community, in the spring of 1837, at last aroused the attention and indignation of the people, and demonstrated the full truth of those arguments and principles for which the Democratic party had been many years contending. The hollow and corrupt system of close banking was at length exposed. The curse of monopolies appeared, in effects, too palpable to be denied. The Federalists, or Bank party, found themselves clinging to the fragments of a wreck which they could never again hope to refit and render useful. They found that some concession must be made to public opinion. The arguments and illustrations which had for years been urged with such force and eloquence by a few bold champions of equal rights—among whom William Legget deserves honorable mention—and which had been derided and scoffed at as the hideous ravings of "infidels, radicals, and agra-

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rians," were now shown to be the quiet conclusions of sound sense and philosophy. They had taken deep root in the public mind, and soon obtained the authority of truth, when the incorporated banks by their memorable "*suspension*" of their obligation to pay their notes—the only obligation that gave them value, or even existence—at last threw off the mask and laughed to scorn their public and private creditors.

It was, however, the careful study of the Whigs to be carried no farther by public opinion, and regard for equal rights, than absolute necessity should require. They still clung to their monopolies and special privileges. The problem, to which their ingenuity applied itself, was to concede, if possible, the form of free banking, but retain the spirit of monopoly. The whole tribe of speculators and stock-jobbers still struggled to retain the machinery and mystery of their lucrative occupations, and to throw around the measure of concession, which public sentiment demanded, as many of the restraints and formalities of the close corporate system as the nature of the case would allow.

The Democracy demanded free banking, in its widest sense. They wished to rescue the branch of commerce, pertaining to money, from the shackles of corrupt legislation and favoritism, and to leave it to the control of the ordinary laws of trade. Such a triumph of the principles of sound political economy and Democratic equality would have been as fatal to the craft of the money-changers, as was the preaching of St. Paul to the shrine-makers of Ephesus. "Sirs, ye know that by this craft we have our wealth," was the cry of remonstrance which arose from Wall street, and was re-echoed by the petty speculators of every village bank in the State.

During the summer and autumn of 1837 the subject of free banking was much discussed in private circles and in the public prints; and the Whigs, by hollow professions of an inclination to adopt its principles, made for their party some political capital in the autumnal elections. But at this moment, most unfortunately for the cause of truth, a portion of the community which before that time had acted with the Democratic party, but was deeply involved in Whig speculations and banking, found its interests in danger from the progress of Democratic principles, and threw the weight of its numbers and influence into the Whig ranks. The defection of the Conservative party, though unimportant in itself, derived a momentary influence from the critical state of the times. When men, who had long professed the Democratic faith, affected alarm at the demands of the popular voice, it could not but awaken some distrust in timid minds. The ardor of reform was checked; the enemies of equality took courage, and the monopolists found themselves able to maintain a position much more favorable to their interests than they had hitherto expected. The remaining restraints

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upon the natural laws of trade may be set down to the account of the Conservatives.

In this condition of affairs, in January, 1838, the Legislature of the State convened. The Whigs, prospering by a prevalence of unexampled public calamity, had secured an overwhelming ascendancy in the House of Assembly, and the Senate was modified by the influence of many members who leaned to the doctrines of the Conservatives. Early in the session many financial schemes were brought forward, none of which found much favor with the Monopoly party. The Legislature was, as usual, surrounded by a horde of interested out-door advisers, to enforce the claims of the broken chartered banks, the stock-jobbers, speculators, and "credit system" merchants. The Board of Brokers and Chamber of Commerce had their agents and committees in regular attendance, and the owners of real estate were fully and incessantly represented at the capitol, by the same class of wily operators who had so successfully enhanced its nominal value.

After three months of intrigue, discussion, and political manœuvre, the "*Act to authorize the business of banking*" was concocted and produced; and, considering the influences which attended at its birth, it is a matter of congratulation and surprise that its provisions are not more fatally tainted by the spirit of restriction and monopoly. The following are the essential provisions of the act:

Any person, or number of persons, may establish an office of discount, deposite, and circulation, by recording in the county clerk's office, or filing with the Secretary of State, a certificate, under their hands and seals, duly proved or acknowledged, setting forth the following particulars:

1st. The name of the association;

2nd. The place of its operations;

3rd. The amount of capital stock, and number of shares;

4th. The names, residences, and shares of the stockholders;

5th. The period when the association shall commence and terminate.

A certified copy of this certificate shall be evidence in all legal proceedings.

The aggregate capital stock shall *not be less than one hundred thousand dollars.*

"The association shall have power to carry on the business of banking, by discounting bills, notes, and other evidences of debt; by receiving deposites; by buying and selling gold and silver bullion, foreign coins, and bills of exchange; by loaning money on real or personal security, and exercising such individual powers as may be necessary to carry on such business."

It may provide, in its articles of association, for an *unlimited increase* of its capital and associates, from time to time.

It may hold real estate—

1st. For its accommodation in the transaction of its business;

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2nd. Mortgages, to any extent, for money loaned by it;

3rd. Real estate received in the satisfaction of its debts;

4th. Real estate purchased at sales under judgments, decrees, or mortgages, held by the association.

The association is required to make a semi-annual report to the Comptroller, on the first Mondays of January and July, containing—

1st. The amount of capital stock paid in or secured:

2nd. The value of real estate held by the association;

3rd. The shares of stock held by the association, and how held;

4th. The amount of debts due to the association;

5th. The amount of debts due from the same;

6th. The amount of claims against it, not acknowledged by it as debts;

7th. The amount of notes, bills, or other evidences of debt, issued by it;

8th. The amount of losses of the association, and of its dividends;

9th. The average amount of debts due to and from the association, during the preceding six months; and the average amount of specie on hand, and of notes and bills issued;

10th. The average amount, in each preceding month, due to the association, from all the share-holders;

11th. The amount to which the capital has been increased during the preceding six months, and the names of new associates, and of any who may have withdrawn.

The attentive reader will have perceived that thus far no provision has appeared for the issue of any bank notes of the association, or for the pledging of any securities, stocks, or bonds and mortgages with the Comptroller; nor, indeed, are any requisitions contained in the act with respect to *what* the capital stock shall consist of, or how, or when, it shall be paid in or secured. We desire to call particular attention to this fact, which is the great secret of the whole contrivance, and has been so artfully devised as hitherto entirely to elude the public. We know of no other equally curious and instructive instance of Legislative cunning and deception. It will be perceived that any person, or association, by filing the proper certificates, and announcing a capital stock of *one hundred thousand dollars*—(of *what*, it does not appear)—"shall have power to *carry on the business of banking*, by discounting bills, notes, and other evidences of debt; by receiving deposites; by buying and selling gold and silver bullion, foreign coins, and bills of exchange; by loaning money on real and personal security; and by exercising such incidental powers as shall be necessary to carry on such business."

All this may be done by merely filing a certificate with the Comptroller, and conforming to the other regulations we have heretofore

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set forth; but without pledging any securities, paying in any money, or complying with any rules, with regard to the nature of the "capital stock" of one hundred thousand dollars, required by the act.

Our readers well know, that by the notorious *restraining act* of the Legislature of New York, private banking had hitherto been forbidden, and the exclusive monopoly of this branch of commerce had been given to the incorporated banks. This odious restriction had been the chief object of attack on the part of the Democracy. They demanded the restoration, to each individual, of his natural right "to discount notes, receive deposites, deal in gold and silver bullion, foreign coins and bills of exchange, and loan money;" and it was supposed that this right was conferred by the general banking law. It has, moreover, been generally supposed, that the object of the new law was to furnish a paper currency for the purposes of commerce, the security for which should be perfect and unquestionable.

But the legislators had another and less honest design. The emission of a sound and convertible currency, which should supersede the doubtful issues of the incorporated banks,—a provision which was supposed to be the chief object of the act, and was so set forth and pretended,—is rendered entirely secondary and subservient to the restrictions intended to be laid upon the rights of the individual, in the legitimate use of his capital and enterprise.

The Democracy demanded an unqualified repeal of the restraining law, and perfect freedom in all the branches of money-dealing and banking, excepting, perhaps, the right to issue paper money. The Legislature have bound up and encumbered this right by a set of technical and troublesome regulations, affording no security to the public, but imposing every possible restraint upon individual freedom, and securing every possible preference and advantage to the old chartered monopolies.

Why should a man be compelled to accumulate capital to the amount of a *hundred thousand dollars*, before he can deal in exchange, receive deposites, and buy or sell bullion?

Why should he be constrained to file formal certificates, and make burdensome returns to the Comptroller in this branch of commercial operations, more than any other? The only possible reason, and the true and indisputable reason, is, that if private enterprise be left unfettered, it will compete with the cumbrous and oppressive operations of the banks.

It has been objected to free banking, that capitalists would associate, in enormous masses, for the oppression of the community, without those salutary checks imposed by legislative charters. This enactment is expressly devised to aid such oppressive associations. The capital must be *a hundred thousand dollars*. It must have the cumbrous apparatus of presidents, stockholders, cashiers, semi-

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annual returns, and certificates. Such restraints are thrown around it, that individuals of moderate means and averse to great establishments are precluded from turning their enterprise into this channel. It is cunningly devised to withdraw this branch of business from individual hands, and to place it in the hands of great monied associations, with formidable boards of directors, and all the imposing apparatus devised to wrap banking in mystery, deceive the public, and monopolize a control over a legitimate branch of commerce. Instead of being called "an act to authorize free banking," it may more properly be designated as "an act to encourage the accumulation of capital, so as to monopolize and control exchanges."

Accordingly we find that many of the associations organized under this law, from which it was expected that money would be plenty, have issued no bills, and do not contemplate depositing any securities with the Comptroller. The sole object of their association is speculation in real estate, and in stocks and exchange, which the fictitious name and style of a "Bank" enables them to do, to the detriment of the individual competitor and of the public. But of this we shall speak more fully in another place. If the law required one hundred thousand dollars capital, it should also have required that this amount should be paid in, and deposited with the comptroller, or be in some other way secured, so as to meet the liabilities of the association.

But to conceal the real object of the law, which is, as we have seen, to enable associations with an immense *nominal* capital to crush private enterprise, the law-makers prefixed to it certain provisions for enabling such associations to issue bank bills. The very sections of the act are transposed and inverted out of their natural order, for the purpose of creating an impression that this is a leading object of the bill, when in fact it was devised to assist stock-jobbing associations.

The *first* section of the act provides that the Comptroller shall procure bank bills of different denominations, which shall be countersigned and registered in his office.

In the *second* section, he is authorized to issue these notes to such persons or associations as shall deposit with him an equal amount of the stock of the United States, or of the State of New York, *or of the States approved by him*, bearing at least five per cent. interest.

By the *third* section, the association so receiving notes, to the amount of the stock pledged, is authorized to sign, "loan, and circulate the same *as money*."

By the *fourth* section, it is provided, that if the notes be not redeemed in gold or silver, they may be protested and sent to the Comptroller, who, after ten days' notice to the association, shall sell at auction the securities in his hands, and redeem the notes.

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By section *fifth*, the persons depositing the stock are allowed to receive the interest upon it, until they fail to redeem their notes.

In the *seventh* and *eighth* sections, the Comptroller is authorized to receive, for half the amount of notes issued, *bonds and mortgages*, instead of stocks bearing at least six per cent. interest, on productive lands in the State, worth, independently of any building, double the amount of the mortgage.

By section *ninth*, a provision is made for exchanging or paying up their bonds and mortgages.

In section *tenth*, the depositor is allowed to receive the interest money on the bonds, unless he fails to redeem the bills issued.

There are some minor provisions, of no essential importance in discussing the principles of the system.

When the bills are repaid to the Comptroller, or specie deposited to the same amount, the securities in his hands are to be reconveyed to the depositor. There is no provision made for lost bills, so that the stock corresponding to such losses will be retained by the Comptroller, and not enure to the benefit of the association. This was probably an oversight, as no small item in the profits of banks accrues from the destruction or loss of their bills, before they are returned for redemption.

After the passage of the act in April, 1838, the utmost activity prevailed among speculators and capitalists to form organizations under its provisions.

By the annual report of the Comptroller, rendered to the Legislature in January, 1839, it appears that, anterior to the third day of that month, *fifty-four* associations had already gone through the necessary formalities, and the total amount of capital actually subscribed in the State was $12,319,175. The amount of bills demanded by these associations, upon the pledge of stocks and securities, however, was only $1,592,990. The remaining portions of their capital, amounting to $10,716,185, was intended to be applied to *other purposes* than facilitating commerce by the issue of bills.

Several of these associations provided in their articles for the continuance of their operations for more than a century, and for the enlargement of their capital stock, at pleasure, to the extent of *fifty millions of dollars*.

As the formation of these immense associations was from time to time announced in the public prints, it was naturally expected by that portion of the community who were misled by the false aspect of the law, that money would be rendered plenty, and a paper circulation of unquestionable security produced to any desirable extent, so as to supply the curtailments of the chartered banks; in this expectation, as we shall hereafter more fully show, the public was disappointed.

Since the date of the Comptroller's report, January 3, 1839, we have gathered notices from the public prints of *twenty-three* addi-

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tional associations, with an aggregate capital of more than $18,000,000; so that, at the present time, we are safely within the truth in stating the number of associations, under the new banking law, at *seventy-seven*, and the aggregate of their capital paid in at $30,319,175.

According to the best data before us, the *proposed* capital of the twenty-three banks associated *since* the 3d January, 1839, is not less than - - - - - - $300,000,000

Capital proposed by the fifty-four banks reported by the Comptroller *before* January 3d, and of the existing State banks, - - - - - $500,000,000

Total amount of capital which may be employed by existing free and chartered banks in the State of New York, - - - - - - $800,000,000

Such an enormous amount of prospective capital stock secured by these associations is, of itself, a sufficient demonstration of the gambling facilities afforded by the law, and of the eagerness with which speculators and stock-jobbers have hastened to avail themselves of its benefits.*

And yet, with the immense aggregate of $860,000,000 possible capital, the mercantile community have received but little relief from the operations of the new system. On the contrary, the universal admissions of business men, and that sure test, the price of

* Since writing the above, we have collected more accurate information of the number and capital of the banks organized under the new law.

One hundred and nine certificates have been filed in the office of Secretary of State, since the 10th of July, 1838. The capital actually subscribed in these institutions amounts to $35,769,175. Their *prospective* capital—that is, the amount to which their capital may be increased at pleasure, by the articles of association—is $856,980,000.

Of these banks there are—

In the city of New York,	-	30.	Capital subscribed,	- -	$16,028,175
" Buffalo,	-	7	" "	- -	1,000,000
" Rochester,	-	5.	" "	- -	830,000
" Troy, -	-	3.	" "	- -	300,000
" Albany,	-	2.	" "	- -	200,000
" Utica,	-	1.	" "	- -	100,000
" Brooklyn,	-	1.	" "	- -	100,000
" Hudson,	-	1.	" "	- -	100,000
" Schenectady,		1.	" "	- -	100,000

The remainder are distributed among the several counties, as follows:

In Gennessee county, eight.

In Oneida, Saratoga, and Tompkins, four each.

In Niagara, three.

In Onondaga, Seneca, Wayne, Broome, Steuben, Jefferson, and Herkimer, two in each.

In Richmond, Orleans, St. Lawrence, Columbia, Lewis, Orange, Monroe, Montgomery, Greene, Livingston, Ontario, Kings, Yates, Cayuga, Chenango, Chemung, Washington, Albany, Chatauque, Delaware, and Erie, one each.

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public stocks, evince that money has not been more difficult to be obtained at any time within the last five years, than during the first fifteen days of April, 1839, with all these associations in full operation. It has therefore become a matter of demonstration, that the act we are discussing, and most of these associations, have in view other purposes than to aid the operations of commerce, or furnish the community with a sound paper currency.

To illustrate this view of the subject more fully, we shall briefly describe the usual *modus operandi* (for it is a technical art) in the formation of these associations.

In the first place, the stockholders in these institutions are generally persons in want of money themselves, and not capitalists able to loan money. Foremost in the class are speculators in real estate, jobbers in fancy stocks, and merchants of questionable credit.

It would naturally be supposed that persons of this description should be excluded, by the restrictions of any sound banking law, from taking the lead in conducting money affairs; but the provisions of the act we are discussing seem to have been expressly contrived for the benefit and advantage of this suspicious class.

The first step is, to settle upon articles of association among themselves, in which they generally provide for the continuance of the association for at least half a century, and for a prospective capital of from twenty-five to fifty millions of dollars.

When these particulars have been arranged, a certificate, according to the act, is filed with the county clerk, and another with the Secretary of State. The association then becomes a bank, in due form, under the provisions of the act, with every advantage except the right to issue its own notes *as money*. And here it is to be observed, that the issuing of its *own notes* is by no means a profitable or desirable branch of the business of such an association. As soon as the certificate is duly filed, a pompous advertisement appears in the newspapers, setting forth the title and style of the new bank, its officers and directors, and such portions of its articles of association as may be calculated to attract public attention, and capitalists or owners of real estate are invited to subscribe to the stock. Here opens the field for the operation of speculators. It is not necessary that *any* money should be paid in by the stockholders. Bonds and mortgages, or over-valued real estate, fancy stocks, and securities of all sorts, come before the board of directors, to be transferred to the bank in exchange for certificates of stock, or the bonds of the association. Of the value of these securities, the directors are the sole judges. Neither the Comptroller, nor any other public officer, is entitled to exercise any supervision over the nature of the securities thus received. Moreover, it generally happens that the directors themselves have kindred interests with the applicants. They

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are all common owners of the fancy lots in some village, or some section of a city, and have a common interest in exaggerating the nominal price of the mortgaged lands proposed. Again, they are not confined to lands in the State of New York, but are allowed to embrace village lots, or wild lands, from Maine to Florida. In this way the capital stock is soon distributed. The holders of the stock then take it into market, and either borrow money upon it, or sell it on speculation, holding out the most extravagant promises of enormous profits and dividends to the unsuspecting purchasers. The certificates of stock and the bonds of the association go into the stock exchange, and are subjected to the operations of all those cunning devices which have rendered stock-jobbing odious in Europe and in this country.

Meantime the association, with its mortgages and other securities received in exchange for its certificates of stock and bonds, is carrying on another and parallel course of operation. It borrows money, when needed, upon its securities. This money it employs in exchanges and discounts. It must be miserably deficient in credit, if it do not receive considerable amounts on deposit. With this fund also it operates. Possibly some of its bonds, payable at long dates, may suffice to raise temporary loans. It becomes the centre and engine of every kind of speculation and illegitimate money operation, and the ingenuity of its directors must be small indeed, if a sufficient amount be not derived, either from the credulity of the public, or the necessities of its customers, to afford respectable dividends to the holders of its stocks.

All these operations may be conducted under the much praised banking law of 1838, without pledging a dollar with the Comptroller, or issuing a single bank bill. And, as we have seen, of the $12,319,175 capital, reported by the Comptroller on the 3d of January last, $10,716,185 is employed in this manner, and only $1,592,990 applied to the ostensible purposes of the act, to wit, a paper circulation.

We know among these associations there are honorable exceptions, not coming within the scope of these strictures, but organized and conducted by honorable men, in accordance with the professed intentions of the law, and for the benefit of commerce. But such is the general bad character of the new associations, and so fatal are the facilities afforded to rotten speculators by the legal provisions we have detailed, that the sound associations have hitherto not been able to command public confidence, or essentially to relieve the commercial community.

Some few of the associations have deposited securities with the Comptroller, and thus qualified themselves to issue notes to the extent of a small proportion of their capital. But by far the greater part have regarded this part of their privileges as not worth atten-

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tion, and have not, indeed, had the power, to furnish either State stocks, or bonds and mortgages, which the Comptroller could approve. The banks in the western part of the State have much greater inducements to avail themselves of the right to *issue notes*, than those in the city of New York. We subjoin, from the Comptroller's report of January 3d, an account of the bills proposed to be circulated by some of these banks.

The Bank of Western New York, at Rochester, with a capital of $500,000, has ordered $93,000 of bills.

The Lockport Bank, with the same capital, had ordered $200,000.

The Bank of Gennessee, at Batavia, capital $100,000, ordered $20,000 of bills.

The Merchants' and Exchange Bank, at Buffalo, capital $200,000, ordered $50,000 bills.

These proportions are much larger than the proportions of the city banks, many of whom have deposited no securities at all, and others not more than one hundred thousand dollars, on capitals of from two to twenty-five millions.

It is even well understood and announced, that some of the most sound associations in the city of New York, like the North American Trust and Banking Company, never intend to issue any more bills than their own convenience or necessity requires, but will confine their operations to the other departments of banking, and especially to the establishment of such a credit in England as may enable them to borrow money on their stock or bonds in that market at low rates of interest, and for long periods, and reloan the same, at home, at higher rates, and for shorter periods.

It will have been seen that no portion of the bonds and mortgages, or other securities, received and held by these associations, passes under the inspection of the Comptroller, except that part which may be tendered to him to obtain bills for circulation. Hence the bondholder, or stockholder, of the association, is left entirely at the mercy of the board of directors, as the fund for which he looks depends for its value entirely on their discretion; the law providing that *all securities* transferred to the Comptroller shall be exclusively applied to the payment of the bank bills issued by the association.

Such is a rapid outline of the stupendous system devised by the Whigs, under the name of free banking, to aid broken-down speculators in real estate, and desperate gamblers in fancy stocks, in associating to defraud the community.

Let us now briefly consider the act in the aspect it is intended at first view to bear, namely—a plan to furnish a safe paper substitute for money.

The first and most obvious benefit of the law in this respect is, that its privileges, whatever they may be, are equally open to the whole community. It will put an end to the granting of close

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chartered banks, and the attending evils of favoritism, lobby corruption, and intrigue, in obtaining such charters, and of gross abuses in the distribution of their stock. This is certainly one important advantage. The two systems cannot live together; and bad as the General Banking Law may be in some of its provisions, it is much to be preferred to the odious monopolies and exclusive privileges connected with the close corporations. It is avowedly a concession, on the part of the Whigs, to the demands of public opinion. It is an admission of the corruption and incompetency of the old system, which they have been so many years defending and maintaining.

The Legislature cannot hereafter grant any new close charters, or renew those which may expire, without virtually repealing the General Banking Law. We are by no means certain that bank influence will not prevail over good faith and public policy in some particular instances. The charters of at least six close banks will expire between the present time and 1845. One of these has already applied for a renewal of its charter, but we believe the application has met with but little favor.* But it is not so much to the present deceptive law, as to the progress which it indicates in public opinion, that we look for an improvement in legislation on this subject. The existing institutions will cling with a desperate grasp to their expiring privileges. But their days are numbered, and correct public opinion will not recede into the old errors on this subject.

It is a matter of dispute among able financiers, whether a bank organized under the new law, or a close charter bank, will possess the greatest facilities for making money. So far as the profits of one institution under the general law may flow from its issues and circulation, and the use of that portion of its capital set apart for this purpose, it must obviously labor under comparative disadvantages. The securities lodged with the Comptroller will not yield beyond the average rate of interest, and cannot as readily be turned to profitable account as the capital of an ordinary bank; but in every other branch of banking operations, the power to increase the stock to any extent, and to modify the articles of association at pleasure, and the perfect independence of all legislative favor and control forever, afford no inconsiderable advantages. Moreover, the new banks start without any of that distrust and prejudice which the profligate conduct of many of the old banks has brought

* As this article is passing through the press, we learn with surprise that the application of the Bank of Rochester for the renewal of its charter (alluded to in the text) has been successful in the Assembly. Thus has the Whig Legislature openly avowed their insincerity in passing the general banking law, and their intention, notwithstanding the pledges given by that act, to perpetuate the present monopoly system.

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upon them. No doubt, the progress of public opinion will eventually proceed beyond the present temporizing measure, and throw open to individual competition this branch of trade; in which event no incorporated institution can long compete with unshackled private enterprize. We may therefore consider the extinction of bank charter monopolies as certain, and not very remote; a consummation, the approach of which is to be hailed with joy, whatever temporary evils we may pass through to attain it.

Another undeniable advantage of the General Banking Law is, the unquestionable security afforded to the bill holders. Without the grossest misconduct in the Comptroller, the bills issued by the banks must be as secure as the value of real estate or any of our public stocks. The pledge of the public credit of the State for their redemption, although expressly withheld by the terms of the law, if superadded, would scarcely enhance the security. Bonds and mortgages, and public stocks, are in the hands of the Comptroller to the full amount of the issues of bills, in addition to the notes discounted, or securities held by the bank itself and all its other property, including twelve and a half per cent. in specie, on the amount of issues which it is required to keep constantly on hand; and these together constitute a fund which cannot, in any ordinary case, but be ample for the ultimate redemption of all its circulation. The security of the bill holder is, therefore, complete; and this, so far as the community is concerned, is an immense improvement upon the old system.

The prompt redemption of the bills in specie is by no means so effectually secured. The association is liable to pay fourteen per cent. interest on all bills which are not redeemed on demand, but no security is afforded by the provisions of the act against a general suspension of specie payments.

On this head, the friends of the measure contend that the suspension of specie payments will be avoided—

1st. By the public confidence in the perfect security of the bills, which will prevent panics or *runs* upon the banks for specie.

2d. That a stoppage of specie payments from the exportation of the precious metals, where the balance of trade is against us, will be guarded against, by the firm credit of these institutions abroad, which will at all times make their bonds or post notes available in a foreign market, either to pay a foreign debt or borrow money.

There is much force in the former of these reasons. The importance of the latter remains to be shown, by the success or failure of the attempts now making to establish for the institutions a foreign credit. We are inclined to believe that the end may be attained, and that foreign capital in the way of long loans will be largely introduced into the country by the measures now in progress in behalf of the new banks. Indeed, it is understood that some of them

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have already been successful in these attempts, and have negotiated loans to the amount of some two millions of dollars upon favorable terms, and have also established a good credit for the stock and bonds of the banks on the London Exchange. Such a connection, though liable to create an improper foreign influence in our domestic politics, will go far to meet another general suspension of specie payments, and disruption of the regular course of foreign trade.

The provisions of the act itself, excepting so far as it unshackles private enterprize, afford no safeguard against a suspension of specie payments. The requisition of twelve and a half per cent. of all issues, in specie, to be retained in the vaults, is a useless provision easily evaded, ineffectual in case of need, and burdensome to the bank. The most effectual safeguard against another suspension of specie payments would be the restriction of all bills under *twenty dollars*, by which all the smaller departments of trade and business would be fully stocked with gold and silver, to be forthcoming in time of need. Any other policy will certainly banish the precious metals from the country, and subject the community at short intervals to the terrible shocks of specie suspensions.

And in case of such a catastrophe, the property of the new banks would not be so readily available as to meet the exigency. All the stocks and bonds held by the Comptroller would be suddenly thrown into the market at public auction, at a moment when all possible means of purchasing with specie would be entirely cut off. It is easy to see that the legislature, with its omnipotence, would again be called in to relieve from the penalties of its own enactments; and that the universal suspension would not be relieved until the causes which produced it, whether a domestic panic, or foreign demand for specie, could be removed. The only effectual precaution against suspension is, the retaining a sufficient amount of the precious metals in circulation among the community, by the suppression of small bills; and to this conclusion, painful experience will sooner or later carry us.

But passing from the details of this enactment, and regarding the project as a system of General Banking, the attentive observer will at once perceive that the whole is a contrivance, not for the benefit of the community, nor of those who really have *money to lend*—but of those whose necessities compel them to *borrow*. It is an enactment for the especial benefit of overburdened speculators and men of straightened credit. The legislators started entirely from a wrong point, and kept in view a wrong object. Instead of fixing their attention upon the interests of the public, and affording to *real* capitalists the utmost freedom in the application of their means to the wants of commerce, their thoughts were turned to the devising of some method by which stock-jobbers might attain credit without money, and land speculators be sustained beneath the bur-

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dens of unpaid-for purchases, under which they were staggering. The originators of the scheme started with an oblique and deceptive intent, and succeeded in deceiving their more patriotic associates into the support of an act which is any thing but what it professes to be.

The scheme is intended to enable the holders of other property than money to put it in such a shape, at their own fictitious valuations, as to give it the facilities of loan and transfer, and lead the community to be satisfied with its use and circulation as a substitute for money. The owners of unsaleable property are at the same time to have the income to be derived from it, and the use of a legalized paper representative to an equal amount for the purposes of speculation. The public is to be furnished with their bonds and certificates of stock, to be mingled with all the operations of exchange and commerce, and to be based upon real estate or securities in the *honest* hands of the speculator, at his own imaginary estimates of its value. It is a measure of the same stamp and tendency with the notorious unconstitutional mortgage law, passed by the legislature which legalized the suspension of specie payments, and lent the protection of public law to the grossest violations of commercial contracts; a measure no more to be justified by morality or public policy, than the bankruptcy of the French Government in 1797.

The law is an attempt to give to *real property* the transferable qualities of *personal property*. The *substance* is forever to be attended by a *shadow*, with which the public is to be imposed upon, and amused—like Turnus in his contest with the imaginary Æneas—and the dimension of the shadows in the hands of a skilful operator will bear about as uncertain a proportion to the reality it represents, as the illusory figures of the magic lantern bear to the glass drawings which produce them. By this alchymistic process, the vitality of landed property is to be extracted in the shape of a bond and mortgage, wherewithal the speculator may practise his mountebank slights of hand, while to the nominal owner of the soil there remains the *caput mortuum* of an equity of redemption. The *apparent* and *real* ownership of property will be separated; and the beautiful farms of our western valleys will have their sustenance extracted from them by the vampyres of Wall street. The independence of the substantial country yeoman will be destroyed; farmers will be tenants at will instead of free holders; a system of monied federalism and vassalage will take the place of individual proprietorship, and the whole agricultural interest, except so far as it may have the firmness to resist the temptations and lures of the money lenders, will become subservient, in the most favorable event, to the control of commerce, and in the

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worst, and most probable event, to the despotism of bankers and jobbers.

In short, the facility afforded by this system, of involving landed property in the shackles of money lenders, and transmitting its fixed qualities into negotiable instruments, will eventually bring the real estate of this country into the same condition it is subjected to in England, by the national debt of that country. The titles of small estates and farms, now held in fee by independent cultivators of the soil, will be accumulated in the hands of immense corporations, and finally, by mutual transfers, brought into such juxtaposition as to form extensive manors and baronies, yielding a yearly tribute of seventy per cent. to the wealthy city proprietor. The loans and interest will soon accumulate beyond the value of the mortgaged premises, and the equity of redemption be surrendered. The former independent proprietor will then become a mere tenant, holding at the pleasure of a Lord paramount.

Indeed, this alarming tendency of the law is openly urged by the friends as one of its strongest recommendations, though not in the form we have exposed it. We are told by them to observe the facilities afforded in foreign countries to the operations of business, by the large amount of the public debt. The convenience of public stocks, for the adjustment of balances, the investment of floating capital, and the general purposes of commerce, is warmly commended to our attention; and it is speciously argued, that since the sturdy Democrats of this country cannot be convinced of the blessed advantages of a public debt, an equivalent mass of private debts may, by this scheme, be accumulated, representing the landed wealth of the country, and equally convenient to the stock-jobber and capitalist, with the public securities of foreign countries.

Our limits forbid the full examination of this branch of the subject, by opening to view the melancholy and degrading vassalage of the English tenant, as compared with the republican independence of the American farmer. God grant, that independence—the last hope of republican institutions—coupled though it be with honest poverty, may never be exchanged for the golden chains of the Irish or English peasantry!

There are some evil tendencies, of minor importance, inherent in this act, with a brief allusion to which we shall close our remarks.

By constituting the loan of money upon bonds and mortgages, a leading operation of these associations, their commercial character is taken away. Banks of issue should be restricted in their operations to the discounting of business paper. It is for the private capitalist to make long loans, for the purposes of permanent investment, as capital for manufacturing or commercial operations,

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or the construction of public works. This is among the elementary principles of banking, and is wholly disregarded in the provisions of the act. Hence the trivial relief hitherto afforded by these institutions to the wants of commerce. They are absorbed in illegitimate speculations; and the furnishing ephemeral accommodation, to the merchant, is a troublesome branch of their duties, with which they will never comply any farther than the importunities of the business community compel them.

The scheme is another attempt to give credit and currency to bank bills, without a specie basis. No such scheme has ever been permanently successful. The omnipotence of Government, if admitted to the extent of the Whig faith and practice, cannot effect this object. The Parliament of England attempted it, from 1797 to 1821; and although nearly isolate during that period by her wars with foreign countries, and strongly sustained by the patriotic feelings of the nation in a period of national excitement, the attempt was futile. The irredeemable notes of the Bank of England, though guarantied by the faith of the British Government, depreciated *twenty-three* per cent., at the very doors of the Bank; and a recourse to a specie redemption was the only remedy against their becoming utterly valueless. Securities may be multiplied—the faith of Governments may be pledged—but bank bills, not redeemable in specie, can have but a short-lived existence.

This would lead us to a consideration of the proper functions of a paper circulation; but our limits forbid the discussion of a subject which we shall take occasion to resume at another time. It may be sufficient here, to state the broad principle in which we trust every Democrat already has full faith; that paper substitutions for *money*—whether book debts, bonds and mortgages, bills of exchange, promissory notes, or bank bills—ought to be employed only in the *extended operations of commerce;* while the proper circulating medium of the country—the money employed in the ordinary transactions of life, in the payment of labor, or in adjusting the balances of isolated, individual transactions—should be wholly GOLD and SILVER. All the above mentioned evidences of debt have the same essential qualities; they are not *money;* they are proofs of a balance due between parties who have bartered merchandize of unequal values; they do not *pay* that balance, but leave it open with a view to its adjustment by some subsequent act of barter. The transfer of a bank bill is no more the *payment* of a debt, than a promissory note or a credit, in account. The former differs from the latter, simply in being an acknowledgment of indebtedness, in a form more *conveniently assignable* from hand to hand. This quality, the bank bill, payable on demand to *bearer*, possessed in a higher degree than the promissory note, payable on time, to *order;* and the promissory note is more easily transferable than the book debt, which requires a more formal and cumbrous assignment. But

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neither of them are *money;* neither *pays* the debt in acknowledgement of which it is transferred. And where the parties to the transaction contemplate further intercourse, directly or circuitously, a postponement of the *actual payment* of floating balances is a great convenience, and the performance of this function, in a commercial community, is the *proper sphere* of bank bills, bills of exchange, and all other evidences of debt.

On the contrary, where the parties contemplate no further transactions, and a balance arises in a *single act* of barter or purchase, that balance should be *paid* at the time; and it can only be *paid* in GOLD or SILVER. To substitute a mere evidence of indebtedness, like a promissory note or bank bill, is to force upon the creditor the debt of some person or corporation, of whose solvency he can have no certain knowledge; and thus to involve in danger and insecurity all the ordinary concerns of every day life; an insecurity of which the curse alights on the poor man, and the advantage accrues to the banker or speculator.

Hence, the pernicious effects of small bank bills, which by their general diffusion postpone all *actual payments*, drive gold and silver out of circulation, and accumulate a mass of unadjusted balances in the community, which it is never expected or *intended* shall be paid, except by an act of bankruptcy.

The General Banking Law of the State of New York is a new scheme to force into circulation these evidences of debt, in the place of *money*, with a credit which will enable them to supplant the use of GOLD and SILVER, in every day transactions. And inasmuch as the bills are better secured than ordinary bank bills, and are equally convenient in the transfer, they will more effectually postpone all actual payments, by remaining longer in circulation, without being returned for redemption, and thus serve a worse purpose in excluding specie and pampering the "*great credit system*," than even our present bank bills. So far, therefore, as the bills of the new banks are of a small denomination, and fitted to supersede the use of money in the ordinary transactions of men not engaged in commerce, they are fatally pernicious. The additional security with which they are invested only adds to the evil in this respect; and, like other bank bills of a small denomination, they should be *avoided*, *denounced*, and *opposed*, with unflinching sternness and severity, by every Democrat, and by every man who truly regards the public morals, or the benefit of the masses of society. And the first act of a Democratic Legislature, when it regains—as it soon will—an ascendancy in the Empire State, should be to restrict all issues of bank bills below the denomination of ten dollars, *forthwith;* advancing to higher denominations as rapidly as the dangerous nature of the disease will admit of more forcible remedies.

The difficulty of obtaining suitable securities to deposite with the Comptroller, will, under the influence of the present act, raise

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up a clamorous horde of advocates for a perpetual State loan and national debt, to supply the demand for public stocks. The present Whig administration of New York foreseeing this demand, and eager to commit the credit of the State, in furtherance of political purposes and their party "credit system," have already advanced propositions for schemes of internal improvement, involving a State debt of more than *forty millions* of dollars! And one argument, openly advanced in favor of this dangerous exercise of public credit, is the means these stocks will afford for the easy organization of new banks. This subtle and dangerous influence of the new law requires close watching, and prompt exposure and resistance. The aggregate of State debts, throughout the Union, as mentioned in another paper in the present number, is already immense; and if it continue to increase, as it has within the last five years, will soon bear a near relation, in its amount and oppressiveness, to the national debt of Great Britain.

It is, moreover—as a question of local concernment, largely, however, affecting the rest of the Union—much to be regretted that the immense responsibility devolved upon the Comptroller, by this law, has been transferred, by a temporary political fluctuation, from the able financier, who has for several years past so much distinguished himself in that department, into the hands of a man whose capacity is yet to be discovered, if it exist, and who does not possess the confidence of men of the most judgment and experience. The present Whig comptroller has already, as his friends admit, been led into some mortifying blunders, by the sinister influence and counsels of a certain *clique* of bankers on the northern side of Wall street, whose interests are at variance with a similar *clique* on the south side of the same famous avenue. The channel of influence is admitted to have been a new member of the Board of Canal Commissioners; himself heavily engaged in railroad and land speculations, and deeply in the interests of the first mentioned Wall street operators. When, owing to such an intrigue, the credit of such a State as Arkansas is brought in question, as it was in the transaction alluded to, the influence of designing brokers over responsible public officers, through the machinery of the new law, is placed in an alarming point of view. If it be necessary, we shall probe some of these sinister operations, on some future occasion, with a less gentle hand.

We may properly bring these protracted remarks to a close, by suggesting a remedy for this corrupt state of things, begotten by the legislation of Whig politicians and speculators. It is at once simple and effectual.

Let the "business of banking—by discounting bills, notes, and other evidences of debt; by receiving deposites; by buying and selling gold and silver bullion, foreign coins, bills of exchange; and

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by loaning money on real and personal security"—be thrown open, and entirely abandoned to unrestricted individual enterprise and capital, subject only to the natural laws of trade, and without any of the unjust restraints imposed by the present act.

And as regards the issue of bank bills, if the public mind be not yet prepared to adopt the true principle of equal freedom in this branch of legitimate business, let individuals or associations, upon depositing securities, as required in the present act, supply the wants of the community in this respect, in larger or smaller amounts, as may suit their own convenience, restricting the issues of all bank bills of a less denomination than ten dollars, the amount of our highest gold coin. The business would be sufficiently advantageous, under these provisions, to engage the attention of men who have money to lend; as in addition to the dividends on their securities in deposit with the Comptroller, they could have its paper representation, received from them in exchange, at the current rate of interest. Such profits would satisfy the sound and discreet capitalist, the whole being under his personal control; though the greedy bankers of the present day are, like all desperate and unprincipled speculators, successful, through their monopoly privileges, in extorting from the community more inordinate gains.

The suspension of specie payments should, moreover, be visited by a penalty on all issues, in the nature of damages, which would effectually guard against such a catastrophe, by rendering it a matter of *profit*—for principle or honor is not to be looked for—to meet all demands, upon presentation, with the proper *constitutional* payment. *Twenty per cent. damages* and double interest would effect this object; or, at any rate, would place even their suspended notes, considering the security for their ultimate redemption, on an equality with specie, for all purposes except immediate circulation.

THE NIGHT.

I sometimes, in an idle hour,
  When fancy's wings were free,
Have wished that I could have the power
  Always awake to be;
That sleep might never seal my brain,
  And never close my eye;
That I a double life might gain,
  While others nightly die.

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The darkest hours are often bright
With thought's least clouded ray,
And therefore do I love the night
Far better than the day.
It cometh, like a mother pale,
A patient watch to keep,
And letteth no rude sound assail
Earth's toil-worn children's sleep.

It singeth in the mournful wind
A plaintive lullaby,
Or whispereth in accents kind,
As love's half-uttered sigh.
The crescent moon, night's fairy boat,
Without a sail or oar,
With shining side and prow, doth float
To some far western shore;

And bravely o'er the gathering cloud,
And through the driving rack,
For ages where her keel hath ploughed,
Pursues her lonely track;
And with her stars, whose mysteries
We seek to solve in vain,
Seems linked with human destinies
By fate's mysterious chain.

Yet most I love the night, that then
The voice we long to hear,
The face we fondly gaze upon,
Though absent, still seem near.
The timid glance of some bright eye
Remembered in our dreams,
A something more than memory,
A living presence, seems.

G.

BALTIMORE, *April* 15, 1839.

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CAUSES OF POVERTY.*

We take great pleasure in recommending to the notice of our readers one of the most interesting and useful books that has issued from the American press for a long period—Mr. Sedgewick's work on PUBLIC AND PRIVATE ECONOMY. Adapting, with great judgment and success, many of the recondite principles of economical science "to the business and bosoms" of individuals engaged in every pursuit of life, this work cannot fail to exert a salutary and permanent influence whenever it shall become known. Such practical views as are found in these volumes are peculiarly important in this country, where the power of Government rests wholly with the people; and especially while so many plausible and ingenious expedients for plundering industry of its rewards are continually brought forward by the unwearied efforts of speculators under the sanction, and too often with the participation, of those who are delegated by the people to protect their permanent interests. Under the existing state of things, an honest and practical exposition of many of the most important ethical and economical principles, upon which individual prosperity and public security mainly depend, cannot fail to prove of the highest value.

Mr. Sedgewick appears, from the evidence afforded by every page of his writings, to be one of those enlightened men whose pure and accurate judgment leads them to seek their best pleasures in the performance of their duties. His ample resources have evidently been employed in endeavouring to increase and diffuse the blessings which may be derived from our social and political institutions. By his writings, no one can ascertain whether he belongs to either of the political parties which divide our citizens upon many great questions of deep public interest,—such as Currency, Public Defence, National Bank, Internal Improvements by Congress, High Tariff, &c.; unless, perhaps, his allusions to the evils inflicted upon society by the abuse of paper money, and the pointing out its deleterious influence upon the comfort of the productive classes, in consequence of enhancing the prices of the necessaries of life, always in a greater ratio than the rise of wages, may be regarded as an indication of his entertaining views similar with those of the present administration of the General Government. Many topics of deep import to the well being of the whole community are discussed with great lucidness and power, and always with dignity and fairness. We find no evidence of partizan feel-

* Public and Private Economy. By Theodore Sedgewick. Parts 1, 2, and 3, New York, Harper & Brothers, 1836—1839.

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ing, no appeal to prejudice either personal or national, in the abundance of the illustrative facts, and the copious and pertinent reflections, which his extensive and careful observations upon all the phases of social existence, both in this country and in Europe, have enabled him to communicate. Mr. Sedgewick has discharged, with a liberality and manliness worthy of praise and imitation, what we hope he will consider but an instalment of the debt which every man of education and talent owes towards the support and improvement of the social institutions, by which his interests are promoted, and his rights protected.

We cannot forbear pointing out the contrast, in all these respects, which exists between the writings of Mr. Sedgewick and those of Mr. H. C. Carey, of Philadelphia, to which we have heretofore felt it our duty to draw the attention of our readers, in our remarks upon the "Credit System." Our February article on this subject has furnished Mr. Carey, it seems, with another opportunity for the display of his peculiar gifts. We have read his second reply with no other feeling than increased regret, that any individual should be found disposed to abuse his leisure, and pervert his talents, in attempting to revive and vindicate theories which have been exploded by the experience of our own, as well as so many other countries, as destructive to the paramount interests of society. It is really too late in the day for Mr. Carey to endeavour to satisfy reflecting men that wealth is only imaginary; and that the only true sign of wealth is—*credit*. We might have supposed, that Mr. Carey was *humbugging* his readers by his views of currency, were not instances extant of individuals of no mean name who have promulgated similar doctrines with the most entire sincerity and earnestness. Philosophers have been found who seriously maintained that the whole external world was imaginary; and that no man of reflection could possibly believe in the real existence of any of the material objects around him, the common opinion on that subject being merely a vulgar prejudice. Mr. Carey appears to confine his *idealism* solely to subjects connected with currency; on other topics, for aught we know, he may be guided by common sense. With him the long-sought philosopher's stone would be wholly useless, unless it could change baser materials into—*confidence*. He regards gold as too troublesome to possess the least value; besides, the use of the precious metals as money, from the stability and uniformity of their value, is exceedingly demoralizing!

With Dr. Dyott's case, and the numerous other instances of swindling by means of paper currency, which have occurred in Philadelphia before his eyes, it seems somewhat extraordinary, that Mr. Carey should undertake to advocate and defend those schemes for the unrestrained increase of paper money, and public debts, which have not only destroyed commercial confidence, and

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property in the South American States, but have involved most of their governments in anarchy. Is Mr. Carey in the slightest degree sensible of the fact, that paper money-frauds, at different periods within the last hundred and twenty years, have swept over most of the countries of Europe, with the desolating fury of a tropical hurricane? In the chapter of Storch's admirable work, of which a translation was given in our March number, he says that the notions of John Law, "are yet widely spread; and a vast number of persons, of every rank, still entertain the erroneous principles of this famous system, although they possess the greatest horror for the consequences which flow from it." Mr. Carey happens to be one of Law's disciples, who regards these consequences with pleasure. Near the close of this chapter, M. Storch says: "The discharge of debtors was the only benefit which the system had produced—but this had brought ruin upon creditors, and impoverishment upon the whole kingdom." "The prices of the necessaries of life were tripled and quadrupled; it was no longer possible for those who lived upon interest money, pensions, or fixed incomes of any kind, to exist, without invading their capitals; artizans were without work; manufactures and commerce prostrated; interest, dividends, wages, and pensions were not paid; every class of society was made to feel the evils of actual poverty, while a small number were overgorged with wealth."

These extracts from a work prepared under circumstances which give it the greatest authenticity, and which, wherever it is known, is regarded as one of the best that has been written on the subject, are repeated for the purpose of showing the practical effect upon a large scale in France of the operation of the identical principles of currency inculcated by Mr. Carey.

Nothing has induced us to point out to the reprobation of the intelligent and upright among our fellow citizens the profligacy of these doctrines, but a sense of duty to the common welfare which might be endangered by their dissemination without exposure. We do not impeach the honesty of Mr. Carey in advocating them. We shall more charitably ascribe his perversions and mis-statements to the blindness of his zeal. Individuals whose powers enable them to obtain but a feeble glimpse of a very limited portion of one side of a large question, often defend their narrow views with the greatest pugnacity and ardor. In his former reply, Mr. Carey stated that we were wholly ignorant of the principles of trade and banking. In his last, he suggests our total and unmitigated ignorance "of the first elements of political science." We are not inclined to bandy epithets with Mr. Carey. After a careful examination of his last performance, we have been unable to perceive any thing either of fact or argument which is not sufficiently laid open by his own unguarded statements, or fully anticipated and refuted

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in our former articles. Unless some benefit to the public may be derived from the contest, we must hold ourselves excused from a direct encounter with an enraged man. The violence of Mr. Carey's temper appears only to have relaxed, when he gloats with complacency upon his discovery of the distinction between *true and false facts.* This he seems to regard as one of the most felicitous of modern improvements. After his usual fashion, he has served up several specimens of *facts* which are any thing but *truths.* However palpably false, he pertinaciously maintains them to be good facts for his purposes. Upon the whole, we are disposed to be satisfied with the indirect opinion expressed by Mr. Carey as to the substantial accuracy of our views, which he has appended to his last article by way of note, probably after his transports had somewhat subsided. Referring to Mr. Marshall, who has recently favored the world with the most elaborate, valuable, and authoritative publication which has yet appeared upon the statistics of the British Empire, he says: "The reasoning of Mr. Marshall is so nearly on a par with that of our enlightened reviewer, that he is authority for nothing except the official tables which he has collected. For any thing else we should as soon think of quoting the one as the other." We are sorry that the high value of this testimony cannot be more extensively appreciated by our fellow-citizens, the enormous price of Mr. Marshall's great work having restricted the knowledge of its merits to very few persons in this country: a copy cannot be purchased in London for less than one hundred dollars.

No quotations which we might be able to make of Mr. Carey's peculiar mode of establishing his doctrines would probably satisfy the curiosity of those who feel desirous of understanding the scope of the discussions which have arisen upon the merits of "The System," as the paper money theory was termed by John Law, who tested its capabilities at the expense of the prosperity of France during almost a whole century. We must, therefore, refer them to the articles, as written by Mr. Carey, for information—not of our views, but his own. When, after the perusal of his last article, any one shall be theoretically convinced that irredeemable *shin-plasters* are the only currency suited to a Democratic form of Government, we would still advise recourse for practical information to those who have been shaved, robbed, and ruined, in the periodical revulsions which have been produced for such purposes by the manufacturers and managers of paper currency within the last twenty years, before an absolute decision is made in favor of such currency. No doubt but some of the most docile and broken-spirited of these unfortunate victims may be induced to justify this policy, upon the same principle that a slave invariably prides himself upon the wealth and power of his master. The vanity and servility of these degraded individuals almost always increase in the same ratio with

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the bad treatment they receive. We shall not interpose the slightest objection to any solace which may be enjoyed under the calamities brought upon individuals by paper currency, from Mr. Carey's entertaining narrative of the misery which he represents as existing in France, or any other nation whatever—whether produced by "The System" of Law, or any other cause—and whether derived from "Lady Morgan," or any other favorite statistical authors. But we must be permitted to suggest, by way of warning to the more sanguine, who have already suffered so much from their credulous faith in the seductive representations of speculators, that no position has ever been taken, or argument urged, in any one of our articles, as they may perceive by examination, upon which these ingenious statements have the least hostile bearing. On the other hand, were it worth the while to spend so much time and space upon them, it might be readily shown that the proper effect of these statements is only to corroborate and strengthen our views.

To return to Mr. Sedgewick's work: we find there no trifling, either solemn or silly, upon a subject second in importance, as the medium of social intercourse, only to language itself. Our notions of value, upon which such a vast variety of the transactions of civilized life must turn, are interchanged between men through the medium of currency, in the same manner as ideas on all other subjects are communicated by means of language. A common currency is, therefore, equally essential to the wants of society as a common language. Such false and fraudulent currency, as is advocated by the Philadelphia paper-money school, is quite as unsuited to be the general medium of business in an upright fair dealing community, as the flash language, used by the rogues of England to communicate between one another, is to explain the ideas of honest men. Sound and equal currency enlarges commercial intercourse—and forms the only durable cement for good faith and confidence in its affairs—while a fictitious and local token of value produces the same consequences as the confusion of tongues at the Tower of Babel; it is impossible to carry on mutual transactions, and men are compelled to become separated for want of a common medium. This was fully understood by the sagacious framers of the Constitution of the United States, in view of the privations to which the several States had been subjected for the greater part of the century previous to its adoption. One of the most important objects intended to be effected by these great men, was to secure the uniformity of the measure of value throughout the United States, as the most efficient means of binding them together. They had seen and felt the impossibility of carrying on mutual commerce between different sections of the country, and fostering a community of interest, while a discordant currency existed among the several States. Whenever currency is alluded to throughout Mr. Sedge-

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wick's work, it is invariably done with a due regard to its proper functions as the exponent and measure of value. Nothing can be more lamentable than to find in a community where any laws prevail, excepting those imposed by the strongest, individuals whose principles or circumstances have become so desperate as to lead them to hope to involve the stability of currency in the vortex of blind partizan zeal. Mr. Sedgewick's range of intellectual endowment is infinitely above the vain and preposterous folly of striving to reconcile any portion of our citizens to doctrines intended to promote the designs of a few speculators, at the expense of the permanent interests of the rest of the community. Every page of his work shows that he is deeply imbued with the principle on which all just Government is conducted; that security of person and property can only be fully enjoyed under an equal and impartial policy towards the industrious classes whose labor has created all actual values. The thoughtless and unscrupulous rapacity which has been frequently manifested by those who habitually slander the obscure and diligent, as entertaining designs hostile to property and good order, have almost always occasioned the very violations of the public peace and security which have been complained of. Who is justly chargeable with the outrages which followed the failure of the Bank of Maryland, unless those individuals of high standing who deliberately concerted the stupendous fraud by which they intended to acquire great fortunes in swindling the credulous and unsuspecting out of their hard earnings? Did the principal managers of that nefarious transaction expect that the Bank could be sustained under the enormous expansion into which they had involved its concerns in the ordinary course of things? The attempt which was made to involve the public Treasury in the success of their profligate speculation is sufficient to stamp reprobation upon this pretext. The naked fact that such men could have the hardihood to ask for the use of the public money for the purpose of enabling them to meet these grossly improvident, if not fraudulent, engagements, is the most powerful of any possible illustrations of the demoralizing influence of the connection between Bank and State. From the documents published by the former President of the Union Bank, it now conclusively appears that an enormous fraud was intended to be perpetrated—for rational beings must be presumed to intend the inevitable consequences of their acts. How inadequately the rights and property of the sufferers by such frauds are protected by the existing laws, is sufficiently shown by the result of this case. The difference between the operations of the Bank of Maryland and those of the Bank of the United States, can only be found in the more extensive power and influence of the latter, which enabled it to compel the whole mercantile community to become blindly subservient to its disorganizing

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schemes. Thousands, who found it impossible to meet their engagements, were excited to the pitch of madness. Though we deprecate all violent outbreaks of popular feeling, we think it but fair to charge the odium of such excesses to those whose flagrant dishonesty occasioned it, and not to those unfortunate individuals who were ruined and rendered desperate with perfect impunity to the wrong-doers. Neither the Post Office mob, at Boston, nor the riotous assemblies in New York, collected for the purpose of compelling the public officers, performing their duties under the sanction of solemn oaths, to violate the laws of the land by receiving depreciated paper in payment for public dues—nor the Harrisburg Treason, where a high-handed attempt was made to subvert the Government of a State by military force—none of these instances of outrages against the laws were concerted by the industrious classes. In this country they have almost always manifested an exemplary degree of forbearance and moderation, even when their rights have been flagrantly trampled on. It will be found, on examination and careful scrutiny into the facts, that the mobbish spirit which has occasionally threatened the security of property and the supremacy of the laws, as well as inflicted such deep and indelible stains upon the fair fame of our common country, has been invariably excited by that self-styled important class who affect to regard the industrious, frugal, and honest part of the community with contempt. In fact, high-handed violations of the law appear to have become a kind of aristocratic distinction upon which those who regard themselves as the first rank in society peculiarly pride themselves.

Mr. Sedgewick evidently regards poverty as a great moral and physical evil. The leading design of his work is to explain its principal causes, and to point out and illustrate its most efficient and permanent remedies. He has performed this interesting task with great ability and success. As we trust such of our readers as are inclined to examine and reflect upon this subject will recur to the work itself, we do not propose to give detached passages, which would furnish the means of judging of its merits about as satisfactory as the brick exhibited as a sample of the house, would enable the purchaser to determine upon the structure and arrangement of the edifice. There are one or two leading causes of poverty so general in their influence as to be wholly beyond individual forecast and prudence. They are so radically incorporated into the artificial frame-work of modern society, that we shall enlarge upon them in a point of view somewhat more extensive than the plan of Mr. Sedgewick's work brought within his range. We refer to the effect of fluctuations in the amount of currency, and change in the value of money, upon the property and means of livelihood of the mass of all communities.

Those who have superficially, or perhaps never, bestowed their

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thoughts upon these topics, excepting under the pressure of engagements which require immediate relief, have been apt to suppose that money cannot be too plentiful. But, independent of the inevitable and destructive revulsions which a plethora of paper currency produces, it is certain that a sudden and superabundant increase of the aggregate amount of currency, whether metallic or fictitious, will always prove ruinous to those numerous and respectable classes whose incomes are stationary. Great numbers of unprotected individuals, who subsist upon the savings of their former enterprise and industry, as well as those who live by daily wages, are gradually impoverished and brought into a state of absolute want and suffering by the increased prices of all articles of necessary consumption. The price of labor is always the last and least of all to be raised by the expansion of currency. Those who are engaged in traffic are able at once to appreciate their commodities and increase their profits by the enhancement of price. The means of livelihood of all the rest of the community are thus placed within the control of a very limited number of individuals. Any person who will take the pains to reckon the increased weekly expense of a family in consequence of the depreciation of the measure of value, while its income remains nominally the same, will readily perceive that in the course of a few years, or even months, of exorbitant prices, a frightful source of poverty is disclosed. While the few are enriched by extravagant profits, the many are reduced to a condition of dependence and privation.

The great variety of expedients which have from time to time been resorted to by designing men, for the purpose of artificially increasing the amount of currency in general circulation, and consequently depreciating its relative value, are therefore but so many frauds upon the stability of property and the welfare of the community at large. Like fire and water, money is essential to social comfort—but a superabundance of either of these important agents always produces great calamities. To show the effect of this principle, it can hardly be necessary to call to the recollection of our readers the suffering produced throughout the whole length and breadth of the land by the great expansion of the Bank of the United States, during the first six months of 1835. We have at the present moment the spectacle of two great States of this Union, possessing vast natural resources, and peopled with a productive population, remarkable for their activity and enterprise, who have been plunged into such distress by the affluence of paper, which had inflated prices to such an extravagant height, as now to threaten general ruin both to debtors and creditors. Artificial stimulus had produced such a general derangement in the performance of contracts, that, like desperate topers, these States have been impelled to swallow larger draughts of madness. Believing that money

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could not be too abundant, immense amounts of currency have been manufactured for the purpose of meeting obligations, which is refused by all excepting those whose necessities require them to receive it, or fare worse. The measures of *relief*, into which both Mississippi and Michigan have been driven by popular suffering, are a beacon of warning to the other States of the Union.

The insecurity of property—the destruction of the confidence which man should repose in his fellow-man—and the general relaxation of all the ties of social order which have grown out of the twenty years domination of the Bank of the United States over the productive interests of the community, afford lessons upon the demoralizing influence of paper currency but too dearly purchased. Not among the least injurious effects of the influence of this institution upon public opinion, is the total obliteration, among large classes, of all regard to the principles of the Constitution of the United States, as well as the dictates of universal justice, in relation to the currency. As we are a self-governing people, this corruption of public sentiment has already produced the greatest evils. Sanctions under which property is held and enjoyed have become as precarious, and as practically inefficient under the paper money system among us, as in South America. No individual engaged in active business can feel assured, that his resources and means of livelihood will not be swept from him by some plausible scheme of gambling upon a great scale. Commercial men, whose sanguine expectations of gain are easily wrought upon, and for whose immediate advantage most of these new fangled projects are ostensibly contrived, are constantly involved in paroxysms of elation or despondency. Their pursuits, heretofore so respectable, are placed upon the same level with those of the hazard table, the faro table, or the lottery office. Instead of the regular and systematic pursuit of business upon principles of forecast and calculation, their success has been so entirely involved in the movements of the managers of paper money, as to have become wholly a matter of luck and chance. Their care-worn anxiety at one moment, and their excited hilarity at another, render it almost impossible for a casual observer to recognise the same individuals, under such sudden changes of demeanor. No doubt but such a life possesses its charms. A profound observer has remarked, that man is naturally a gambling animal. Whether this principle of action should be encouraged, and thousands of young men annually seduced from the sober pursuits of industry, to partake of its excitement, by the extension of the machinery of the paper money power, is a grave question for legislators.

This alternation of hope and despair, among the commercial community, has grown out of the preposterous experiments which have been made, at various times, to create property by law for the pro-

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fessed convenience or advantage of our Governments, either State or National, by means of granting exclusive privileges to favored classes or individuals. Representatives delegated for the discharge of public trusts have either neglected the great interests reposed to their care, and which they were solemnly bound to protect, or have been guilty of more heinous delinquencies. Surrounded by swarms of interested speculators, many of the laws which have imposed permanent burdens upon the vital prosperity of the respective communities were, doubtless, passed by legislative bodies under influences which it was difficult to resist. The hope of acquiring wealth is, at the present day, the great incentive in every pursuit. A just government should be careful to leave the avenues equally open to all, instead of affording a short-sighted encouragement to particular classes or individuals, at the expense of the general welfare.

No one has ever examined and weighed, with greater discrimination and more sound judgment, all the questions which the complicated subject of currency can present, than David Hume. He was a fellow countryman of John Law, and was intimately acquainted with the credit system from its origin, under all its variety of phases and ramifications. His three essays upon *Commerce, Interest,* and *the balance of Trade,* are indeed master-peices of foresight and sagacity. Common as Hume's Essays are among reading people, we are tempted to subjoin a single passage from the last mentioned of these profound disquisitions, which may serve to show their value to those who are inclined to examine the subject, and are not already familiar with them.

"I scarcely know any method of sinking money below its level, but those institutions of Banks, funds* and paper credit, which are so much practised in this kingdom. These render paper equivalent to money, circulate it through the whole State, make it supply the place of gold and silver, raise proportionally the price of labor and commodities, and, by that means, either banish a great part of these precious metals. or prevent their further increase. What can be more short-sighted than our reasonings on this head? We fancy because an individual would be richer, were his stock of money doubled, that the same effect would follow, were the money of every one increased; not considering, that this would raise as much the price of every commodity, and reduce every man, in time, to the same condition as before."

It is to be remarked, that the evil consequences of a superabundance of currency were found, at one of the most important eras in modern history, not to be confined to paper circulation. Soon after the discovery of America, poverty was extensively brought upon the bulk of the community, in several of the nations of Eu-

*By the term *funds* is meant public debt—the usual phrase to designate that species of property in England. We have at present, from the short-sighted prodigality of some of the States, a most plentiful supply of this means of deteriorating the measure of value in our markets. We hope it will be found, when the necessity of providing for the interest of the immense sums which have been borrowed for the purpose of enriching speculators, by enhancing nominal prices at the expense of future taxation shall occur, that the people of the several States, on whom these burdens must fall so heavily, will act considerately and wisely.

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rope, by a great and sudden influx of metallic currency. But as gold and silver enjoy universal value, they always find the general level by flowing into those countries where there may happen to be found less than the due proportion, comparing the existing prices of commodities, which can be exchanged with profit in those countries where specie is too abundant. No such corrective applies to paper currency, the value of which is wholly arbitrary and local.

The effect of currency upon pauperism in England will clearly illustrate the consequences of a superabundance both of metallic and paper circulation. Mr. Sedgewick dilates at length upon the vast numbers, and the miserable condition, of the poor in England; and presents a melancholy picture of the servility and dependence of all the industrious classes in that country. We shall attempt to offer some suggestions upon the origin of this unhappy state of things, and upon the causes by which it has been aggravated to its present deplorable extent.

We are aware that it has been the prevailing opinion, that the necessity for poor laws in England was occasioned by the failure of the assistance previously derived by the poor from the religious houses dissolved in the latter part of the reign of Henry the Eighth. This is the view taken of the origin of these laws by Blackstone, and several of the most eminent English authors on the subject of pauperism. A brief investigation into the matter cannot fail to convince any candid individual that these opinions are incorrect.

By the recourse to the statutes at large, it will be seen, that the first law on this subject was passed by Parliament in 1530, being the twelfth chapter of the 22d, Henry the Eighth, entitled "An act directing how aged, poor, and impotent persons, compelled to live by alms, shall be ordered; and how vagabonds and beggars shall be punished." From the terms of this law it is evident, that pauperism had already become a great and increasing evil in England, though none of the religious houses had as yet been disturbed. The difficulties which the King had found in obtaining his divorce from Catharine of Arragon had, at that time, scarcely begun to influence the allegiance of the "Defender of the Faith," to the see of Rome. No acts of hostility to Catholic observances had been manifested by any of the ruling powers. The first act against the religious houses, granting to the King all "which have not lands above two hundred pounds by the year," was not passed until more than five years afterwards. The act for "dissolution of monasteries and abbies," under which the balance of these institutions were taken from the church, was not passed until the 31, Henry the Eighth, nine years after the enactment of this original poor law.

Nothing can therefore be more conclusive, than that pauperism in England was created by some other cause than the failure of the

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relief accustomed to be given by the religious houses. When the original law on this subject was passed, their hospitality and charity were in full operation, and were found inadequate to meet the existing necessities of the poor. On examining into the state of the world at that period, it does not appear difficult to discover the great change which rendered such a law necessary.

Immense sums in gold and silver were brought to Europe from America, early in the sixteenth century, which produced a great rise of prices in Spain, under whose auspices the New World had been discovered, near the close of the preceding century; and led to the necessity, for the first time, of legal provisions with regard to the poor in that kingdom as early as 1523. Those countries which did not in the first instance receive this vast efflux of the precious metals, could not be prevented, by the rigid laws against their exportation, from enjoying the profits derived from carrying commodities produced with less cost to the markets of Spain, nor from receiving in payment large portions of this new supply of money. Many of the cultivators and manufacturers of Spain, who had previously possessed not only the monopoly of their own markets, but had produced many articles for exportation, were at once thrown out of employment, and compelled by their necessities to emigrate to America, or become burdens to the community. The tide of gold and silver gradually flowed from Spain into the producing countries, and consequently effected a corresponding rise of prices there. From the middle of the reign of Henry the Eighth, to the close of that of his daughter Elizabeth, the statutes at large show, that hardly a single year occurred without new enactments respecting wages, and the price of commodities, which clearly manifest the intestine convulsions continually produced by the contest between fixed incomes and increasing prices. Our English ancestors of that day do not appear to have entertained the slightest suspicion of the true causes which produced this great social transition, which was constantly going on from the increase of money, any more than many of their descendants now can comprehend the origin of the revulsions among ourselves, which have placed all property in such an alarming condition of uncertainty. We have been struck, in referring to Hollinshed's Chronicle, with the repeated allusions to the troubles and disorders occasioned by this state of things. His continuator, Harrison, who died at the latter part of the reign of Elizabeth, says, in his account of the fourteenth year of her reign—

"In this Parliament, for so much as the whole realme of England was exceedingly pestered with roges, vagabondes, and sturdie beggars, by means whereof dailie happened diverse horrible murthers, thefts, and other great outrages—it was enacted, that persons above the age of fourteen years, being taken begging, vagarant and wandering disorderlie, should be apprehended, whipped, and burned through the grisle of the right ear with a hot iron of one inch compasse for the first time so taken."

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Under the year 1580, he feelingly laments "the hardness of this age, wherein we live—that manie would worke if they had means, manie neglect and care not for worke though they have means, some would willingly withstand povertie, if they might, but some had rather beg and doo worse than give themselves to labor."

The Jesuit missionaries and their followers, who were continually endeavouring to incite the populace against the doctrines of the Reformation, charged all these evils to the introduction of the prostestant religion, in the same manner as the distresses produced by the expansions of currency in our own times, have been the topic of violent tirades against Democratic Government. It is to be regretted for the sake of truth and justice, that so many authors of note have given countenance to this imputation, by attributing the origin of the pauper laws of England to the dissolution of the Catholic religious establishments.

The industrious classes of England were reduced to the greatest distress, from the enormous increase of the prices of all articles of subsistence, during the reign of Elizabeth, compared with the existing remuneration for labor. The price of wheat in ordinary years had become enhanced in a great ratio, between the passage of the original law, respecting the poor in the 22d, Henry the Eighth, and the 43d of Elizabeth. At the former period it had risen greatly beyond its previous rate, by the increase of currency which had then taken place.

By the act of the forty-third of Elizabeth, the maintenance of the poor of every parish was made a permanent charge on the property comprized within the parish. This mode was finally resorted to after a struggle of more than seventy years, against the necessities which a superabundant currency always imposes upon the industrious classes of every producing country, as the only adequate means of securing internal peace, and maintaining good order in society. The design of this law was to make it the interest of holders of property to keep in constant employment all who had no other means of support than their labor, at rates of wages sufficient for their maintenance. For this purpose, a new principle was introduced into English legislation, providing that the landed property in each parish should maintain its poor at all events.

Upon the policy of this principle, which has been the subject of earnest discussion since the commencement of the present century when its pressure began to become intolerable, from the enormous burden of the poor rates, we do not propose to enlarge. Our endeavour has only been to show, that it was occasioned by causes wholly different from those to which it has usually been ascribed. It became indispensable to the common security, in consequence of the operation of the great cause of poverty and misery

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in all ages—*the superabundance of currency.* Scotland, which at that time was not a producing country, and had no commercial intercourse, was not obliged to adopt poor laws, though all the Catholic religious houses were abolished. But the Netherlands, a great manufacturing country, where most of the catholic institutions have been preserved to the present day, was compelled to have recourse to them about the same time with England—namely, in 1531.

Such an occurrence as the vast and sudden increase of the supply of the precious metals, which resulted from the discovery of America, will not probably happen in all future time. We have endeavoured to point out one of its effects upon the previously existing condition of society, mainly for the purpose of illustrating the subject which forms a prominent topic in the two last parts of Mr. Sedgewick's work—the present condition of the poor in England. This has been mainly brought about by the abuse of the "credit system." During more than a century after the enactment of the 43d Elizabeth, pauperism in England, appears to have retrograded by the gradual and insensible assimilation referred to in the extract we have given from Hume's essays, which always takes place in all communities to any state of things, after the struggle of conflicting interests has subsided. But by the introduction of the "credit system," a powerful and extensive influence, was soon brought into action, which was diametrically opposed to the true and permanent welfare of the owners of the soil upon whom the burdens of pauperism, as well as of other schemes of taxation eventually fall, notwithstanding that most of these were misled in its support by the immediate advantage of the enhancement of their produce. We gave a hasty sketch of its operation in enhancing prices, and increasing the burdens of taxation, in our November number. Since writing that article on the subject, we have had occasion to examine the work on "Commercial Economy" by Mr. Cayley, a member of the British Parliament. We find, at the one hundred and twenty-eighth page, a statement respecting the public debt of Great Britain, which strikingly illustrates the positions we there advanced.

"In the year 1791, the national debt amounted to £238,000,000 sterling. Since then, the Government has borrowed £1,047,000,000 more. If you add these two sums together, it will show our present national debt to amount to £1285,000,000 sterling; but observe, £480,000,000, of this has been redeemed by the *sinking fund.* The net Government debt now, therefore, is about £800,000,000 sterling. This £800,000,000 was borrowed at the average rate of £60 to the £100 stock. The sum of £480,000,000, therefore, is all the money which the Government really received for it. But this £480,000,000 was advanced to the Government in *paper money*, worth only *one-half* of the ancient money of the country, or of that which is now being inflicted upon the country, or rather ground out of the bones and vitals of the country. The sum actually advanced to the Government was therefore only £240,000,000 of our present money. The selling price of consols is at present 87. The sum which the fund holders are therefore now receiving from the Government is about £696,000,000, in solid gold, instead of the £240,000,000, which

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they really advanced. Here, then, is a net profit of £456,000,000 sterling literally given to the fund holders without any equivalent whatever! Is not this prosperity enough?"

The foregoing is adopted by Mr. Cayley from Mr. Attwood, also a member of Parliament. Nothing could more clearly show the causes of that enormous enhancement in the price of every thing which enters into human consumption for the advantage of the few, which occurred in Great Britain in consequence of the suspension of specie payments, than this brief exposition of its public debt. Mr. Attwood opposed the restoration of the standard of value in 1819, on the ground that the vast change it must produce in the burden of existing contracts made in the previously depreciated medium at extravagant nominal rates, would sooner or later lead to a revolution. Those who are aware of the internal condition of England at the present time, can best judge whether his apprehensions were well founded. Into such a calamitous state of distress and demoralization had the productive classes been plunged by the exorbitant prices of food and the weight of taxation, that the regular wages of labor in many sections of the country were found so inadequate for subsistence, that able-bodied men with families, received stated addition to their wages out of the poor rates levied upon the property of their respective parishes, under the provisions of the law of Elizabeth, before referred to. Landed property became so much depressed in value in many parts of England by this process, which was daily becoming more general and burdensome, that a desperate measure was resorted to by Parliament, in 1837, to arrest this increasing evil. A special tribunal was erected, and invested with extensive and arbitrary powers, for the sole purpose of regulating and repressing pauperism. Its effect so far, has been to greatly increase the hostile and embittered feelings which had previously sprung up between property holders and the laboring classes. This deplorable state of feeling has been recently carried to such a pitch of desperation, that vast numbers of the bone and sinew of England wage war against property itself, as the origin of the insupportable burdens under which they are now staggering for existence.

To the reflecting and independent citizens of the only free Government left on earth, a careful examination of the financial policy which has brought England into her present condition is abundantly instructive. That noble country, the land of our progenitors, has for the last half century been governed by a heartless aristocracy who have made the comfort and happiness of the people at large wholly subordinate to their gambling schemes of pecuniary profligacy. They are now, like some sections of our own country, enjoying the fruits of *paper* relief. To those who are inclined to examine into the actual condition of England, where so much wealth has been concentrated into the hands of a few individuals, while the

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bulk of the community have been reduced to a state of penury and demoralization, which is really most appalling to any individual possessing the ordinary sympathies which belong to the human heart, we recommend a perusal of the details given in the volumes showing the condition of the several parishes in England, published by order of the poor-law commissioners. These astounding facts led to the poor-law amendment act before referred to, which—like all attempts at remedy, after evils pervading the whole of the community have reached so great a height as not to admit of cure without an immediate increase of individual suffering—have occasioned great clamor and popular dissatisfaction. Recently, it has been proposed in Parliament to establish a stipendiary police force in many districts, for the purpose of preventing the incipient movements of popular commotion, instead of waiting until disturbances begin, and then calling out the regular standing army, to put down the people by bloodshed, as has been frequently done. The self-governing citizens of this republic may profit by the example afforded by the present condition of England, if they will only consider and remedy among themselves the causes which have brought on her aggravated and complicated internal disorders.

Besides the superabundance of currency, great poverty has been produced in all ages, and among most nations, by arbitrary depreciations of the value of money bearing the same nominal appellation. Previous to the introduction of the credit system, by which States have endeavoured to charge the burden of present profligacy and extravagance upon future generations, legal depreciation of the measure of value was the only mode by which governments were able to extricate themselves from the embarrassments occasioned by their prodigality or their necessities. What an extent of poverty and suffering was imposed upon the most patriotic and public-spirited of our citizens by the legal depreciation of the continental currency during the revolutionary war! How much was the wealth and prosperity of most of the colonies retarded, previous to that event, by their short-sighted policy in adoption of schemes of *relief* by the issue and subsequent depreciation of their paper currency! By these measures, our forefathers, from ignorance of economical science, and consulting only the wants of the passing hour, kept their commerce at the lowest ebb which their actual necessities would possibly permit, while a more just and sagacious policy in relation to currency—the very life-blood of all extensive traffic—would undoubtedly have made them comparatively wealthy, and relieved them from many of their embarrassments. They have ever found an excuse in the example of most other nations. An English pound sterling was originally a pound weight of standard silver. From time to time it has been depreciated in consequence of the necessities of the State, until its value is now fixed at less than one-third

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of that quantity. The shilling of Scotland, which was in the first instance an ounce of standard silver, is now but a penny sterling. The legal depreciation of the measure of value in France and Spain has been still greater.

The suicidal attempt made by many of the merchants, under the influence of the combined action of the banks, in 1837, to compel the public officers to receive in payment into the public Treasury the depreciated and dishonored notes of banks, in direct violation of the law, was the most recent and extraordinary instance of a general and deliberate design to depreciate the practical standard of value which has been presented to the reflection of the country in an enlightened age. In contemplating this scheme—the vast and simultaneous efforts made to carry it into execution—and the effect which these measures produced upon the moral feelings of the community—it seems almost incredible that intelligent men, who could not have been so ignorant as not to perceive the consequences of such a step upon the security of property, should have suffered themselves to be transported beyond the restraints imposed by common justice and ordinary good faith among mankind. That blind partisan zeal should lead any men possessing intellect and property to surrender themselves and their families to the tender mercies of paper money speculators, is sufficiently marvellous. But that merchants, worthy of a name in that honorable profession, should earnestly co-operate in endeavouring to destroy the only foundation on which all commercial intercourse rests, will be commemorated as the strongest instance of infatuation which human weakness has lately exhibited. With the experience of our own country, previous to the adoption of the Constitution, before them—with the more recent and disastrous example of England in full view—and with the anarchy, disorder, and entire destruction of commerce which the banishment of sound currency produced in France and South America within their knowledge—those who profess to be the leading class in this country desperately determined to involve all our productive interests in a common destruction, in the hope of obtaining political power. Can it be a matter of surprise that such men have distrusted the permanency of a Republican form of Government?

The measures adopted to produce and continue the suspension of specie payments by the banks have created deep apprehension of the consequences of the progress which several of the States have made in contracting public debts. These debts now amount to between one and two hundred millions of dollars. A great portion of this amount was incurred by those States for the direct benefit of banks, and nearly the whole balance is managed and controlled by those institutions. Under the plausible and fertile contrivances of speculators, for enriching themselves at the expense of the industry

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of the people, it is exceedingly probable that within a few years this vast amount of State debts will be doubled, if not trebled. The rage for borrowing seems to have no limits, excepting that which may be imposed by the caution which experience may teach those among whom paper currency circulates. By the Constitution these States cannot be sued. The payment of the interest as well as principal of these debts must, therefore, rest upon the same confidence as the redemption of paper currency, which, within two years, has universally failed. During the last session of Congress, Mr. Webster predicted that another general explosion was not far distant—and his sources of information on this subject are unquestionable.

Whenever it shall become necessary to provide for these debts by direct taxation upon the people of the States by whose authority they were created, what will be the result? The *tax-consumers* are not the governing power in this country, as in England. The *tax-payers* here possess uncontrollable political sway. The money to be replaced by taxation has been generally dissipated for the advantage of others than those who will be required to pay it. If they were the same individuals, the questions which relate to borrowing and spending are wholly different in their practical influence upon the imagination of most men, from those of taxation and payment.

It is not for us to attempt to foretell the course, which may be pursued, by the indebted States of the Union, whenever a crisis shall befal their finances. It is clear that, the Constitution prohibiting any State from making any thing but gold and silver a tender in payment, the people cannot relieve themselves from debt, as many of the States had done at different periods, before the adoption of that sacred guarantee of public and private rights. Whether any avenue of escape will be afforded by the prohibition against issuing bills of credit—most of the State debts being, substantially, in that shape—may possibly, hereafter, become an important question.

We hope, in view of this interesting subject, that those who have taken such unwearied pains to corrupt and debase public opinion, in relation to public obligations and the measure of value, may be induced to perceive the necessity of elevating the character of their ethical doctrines. Should the disorganizing and anarchical principles, which, within the last two or three years, have been boldly promulgated under the sanction of imposing names, become generally received among our citizens, and produce their intended effect upon the governing power, we fear that many important enterprises, on which immense sums have been lavished, must come to an untimely end. None can deprecate more sincerely than ourselves any measures or doctrines which tend to impair the public faith either of the United States, or the several States. It cannot, how-

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ever, be concealed from the view of all men of observation, that the profligacy which the paper system has introduced among us, has already made deep inroads upon the resources of some of the States, and bids fair to prove a heavy source of future taxation. Whether another generation of legislators will be inclined to see themselves and their constituents impoverished, without making a serious struggle to relieve themselves from the burdens which have been, in so many cases, improvidently imposed, cannot be foreseen. The most prudent and advisable course undoubtedly is, to avoid any occasion for such efforts by forecast and economy in all public expenditures. The experience of the English nation, in the accucumulation of debt, ought not to be disregarded.

A general condition of poverty and degradation cannot be fastened upon the people of this country, by a system of exorbitant taxes levied upon the many to support the luxury of the few. No standing armies can be kept on foot, among us, for the purpose of repressing the desperation of want. The greatest happiness of the greatest number is the only safe maxim, and, in the long run, will prove as advantageous to the security of the rich as it will be beneficial to the comfort of the poor and the industrious.

SONNET.

ANDREW JACKSON.

Come, stand the nearest to thy country's sire,
  Thou fearless man, of uncorrupted heart!
  Well worthy universal praise thou art,
And 'twill be thine when slumbers party ire.
Raised, by the voice of freemen, to a height
  Sublimer far than Kings by birth may claim,
Thy stern, unselfish spirit dared the right,
  And battled 'gainst the wrong; thy holiest aim
Was freedom in the largest sense, despite
  Misconstrued motives and unmeasured blame.
Above disguise; in purpose firm and pure;
  Just to opposers and to friends sincere;
Thy worth shall with thy country's name endure,
  And greener grow thy fame through every coming year.

March 4, 1839.

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THE HEART'S TRUST.

BY MRS. DA PONTE.

I trust in thee! I trust in all
That doth my mind, my soul enthral
With silent ecstacy!
Truth lives within thy thoughtful eye;
I hear it in that low-breathed sigh,
Whene'er I turn to thee.

Nay, take not thou away thy hand!
Tis seldom thus that I may stand
And speak this hidden truth;—
And thou art truth! By passion's vow—
By all that's beautiful, I know
Thou art my dream of youth.

And though I may not, must not show
Whatever through my soul doth flow
Mysteriously and still!
Feelings that from thy sight I hide,
Whose power subdues all strength, all pride,
And bows me to thy will!

I hear thy voice when others speak,
When others praise, when others seek
To win with flattering art;
It comes in hours of revelry,
In midnight dreams, in midnight glee
It falls upon my heart.

I drink the sound! And then they deem
Thou art not heard amid the stream
Of mirth and levity!
Well do I feign joy's mad excess,
As through that mighty throng I press,
But only trust in thee!

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DEFALCATIONS.*

The people of the United States are at last favored with the result of the labors of the far-famed Committee of Investigation. After two months consumed in spreading a partizan version through the land, we are permitted to behold the proofs on which they depend to establish the bold charges so widely, and, we may say, so recklessly, disseminated. Their bulky document is at length forthcoming. "Verbosa et grandis epistola venit, E Capreis." From the secret chambers of this new inquisition, (for such its conduct, its acts, its extreme injustice, its unmanly and secret mode of proceeding, so totally at variance with American character and American institutions, prove that it was,) from these six members of Congress—than whom no six ever so wantonly neglected to perform a duty they had assumed, or so unjustly perverted a high trust to malignant and unworthy purposes—we have a volume of seven hundred and eighty-six pages, printed with the public money, and diffused through the country at the public expense. We do not characterize it unjustly. No man, devoid of the heated feelings of a partizan, can look on the proceedings or productions of this Committee without mingled feelings of contempt and pity. We speak thus of this document, after a perusal as careful as its tedious pages would permit. We were anxious to arrive at the truth—to know whether, in spite of the unfair conduct of this Committee, its disclosures might not bring proofs of misconduct against public functionaries. We were prepared to pass the severest judgment against any officer of the people who might be found censurable or corrupt, notwithstanding the partiality of the inquest by which the charges were preferred. There are few who shall commence a similar perusal, that will be found willing to persevere through the same unprofitable task. Probably it was part of the design of the Committee that they should not. Probably it was thought best that their "conclusions" should be supported by a bundle of documents so complicated and tedious, that no human patience would essay the labor of proving, by a comparison with the evidence, their falsehood or truth. We pronounce, however, without hesitation, that no candid and honorable man, who shall read this book or report, will hesitate to say that the whole proceeding has been most

* Report of the Committee of Investigation, chosen by ballot, by the House of Representatives, January 17th and 19th, 1839, on the subject of the defalcations of Samuel Swartwout and others, and the correctness of the returns of collectors and receivers of the public money.

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partial and unjust; that the Committee have been grossly negligent in the manner and extent of their investigation, wholly omitting to do that which Congress and the country intended and expected would be done; and that the "conclusions" they profess to establish are totally unsupported by the evidence they have themselves adduced.

The proceeding, from the beginning to the end, has been marked by a spirit of partizanship—not by a love of truth. The object of the investigation has been to obtain, if possible, some available grounds of attacking the Administration—not to inquire really and honestly into the adequacy of the existing laws that regulate the Treasury; into the mode by which frauds upon it have been successfully perpetrated; into the delinquencies of those who are really guilty: but to gather evidence in secret; to concoct partial statements; to draw unjust but plausible inferences, by which they may heap censure and odium on the Treasury Department. The object has been evidently, from first to last, to criminate public officers for political purposes—not to guard or protect the Treasury. What citizen rises from the perusal of this big book with additional knowledge as to the extent of defalcations, or the means of preventing them? What lights have been thrown upon the subject to guide the future legislation of Congress? The citizen or the legislator finds nothing of this; he has, instead, a train of voluminous sophistry, the sole object of which is to abuse the individual officers of the Treasury Department, and to manufacture materials to be used in electioneering for a future President. The object, we repeat—the evident object, the undisguised object of this proceeding from first to last—has been political crimination, not the search for truth.

Let us look back on the commencement of these proceedings. Towards the close of the second session of the late Congress, certain correspondence was called for in regard to the receivers of public moneys; but how was it called for? Why, one-half the correspondence was demanded, while the rest was carefully excluded. The letters written by the Secretary of the Treasury are required; but no call is made for the answers he received. Every instance in which he finds occasion to complain of these officers as wanting in punctuality or correctness is thus brought before Congress; but the reply that might give an explanation or defence is excluded by the terms of the resolution. The document thus garbled, thus partial, presenting but one side, and that, the side most injurious to the officer, is circulated through the country under the supposed sanction of its being a public record, and even the self-defence of the person attacked is carefully suppressed. Is it possible to misunderstand the object of a proceeding like this? Is it possible to doubt the manner in which a scheme thus commenced would

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be carried through? "Ex pede Herculem"—the contemplated scheme of monstrous injustice is thus disclosed, in the unfairness by which its incipient movements are distinguished.

The succeeding session of Congress was scarcely commenced, when the next steps were taken in the same partial, unjust, and factious spirit. No preliminary inquiry was made into the truth of facts—no defence, if needed, was allowed—no explanation was asked for; but days and days were consumed in long speeches, filled with the most abusive language against public officers, and especially the Secretary of the Treasury. He was charged in advance with offences for which, if they were true, it was the duty of those who charged him to present articles of impeachment. He demanded that proceeding through his friends, but it was uniformly refused. Not merely was such a trial refused, but the very demand for it was made the ground for increased detraction. To have specified official delinquency, and to venture to sustain it before the American people, and in the face of day, by unperverted evidence and facts, was a task the accusers were not hardy enough to assume. To have substituted an open and honest development of truth, for vagueness of factious declamation and appeals to the passions and interest of party, would have checked the progress of the contemplated scheme. No one can read the speeches that were made on this subject, during the first month of the late session of Congress, without pronouncing them to be unparalleled in the history of American legislation. In language they are coarse, in spirit they are uncandid and unfair, to a degree of which no previous example can be adduced. What could be the object of this? What sufficient motive for it is to be found? None can be assigned except that of prejudging the accused, of perverting the truth, of assuming in advance what was deemed expedient and useful for the purposes of party, but which would not be established by the results of an impartial and legitimate examination. We challenge the production of a parallel case, in the most heated days of political rivalry and excitement, of an instance where a high constitutional officer has been declared guilty in advance of impeachable acts, in speeches on the floor of Congress, without notice or an opportunity of defence, without a previous offer of inquiry, and in language so personal, and offensive. The conduct of the Senate towards President Jackson in 1834, odious and revolting as it was, did not venture to assume or pervert the facts on which it relied—these at least were stated, notwithstanding the rank injustice of the judgment pretended to be deduced from them. What then, we repeat, was the object of the course pursued last winter, with a spirit, and in a manner so vindictive and unjust? Was it not crimination for party purposes, instead of development of truth for the benefit of the country?

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If any doubt of this remained, the subsequent proceedings would remove it. The administration courted inquiry; the President had expressly recommended it in his message; the friends of the Secretary of the Treasury had avowed his readiness to meet an impeachment if his accusers would present it; the Chairman of the Committee of Ways and Means, a leading member of the administration party in the House, had moved for a select committee to investigate these defalcations; an examination could have been promptly made, which would have developed before Congress and the nation the causes of the defalcations, not only of Swartwout, but of the various officers having charge of the public revenue—which would have shown equally the delinquencies of the officers, and the defects of the laws, and brought the whole subject before the legislature of the Union, in a manner to produce just censure and punishment of the real offender, and judicious amendments of existing statutes. Why was not this permitted to be done? Simply because no such object was sought to be attained. How would this have furthered the schemes of those who had been deluging the country with one-sided documents, and shaking the roofs of Congress with violent assertion? What had they to do with the exposition of truth, or the suggestion of amendments in the laws? "Quid mihi cum caballo," as Master Erasmus Holliday says. What was an investigation to them, if it was not made the means of casting odium on political foes, or screening the delinquencies of political friends?

From the proposal made by Mr. Cambreleng of a Committee of Investigation, it was too late to shrink after what had been said. All that remained was so to frame it as to promote the scheme that had been thus far most recklessly, if not successfully, persisted in. The rules of the House, sanctioned by the usage of nearly fifty years, directed that such a committee should be appointed by the Speaker. That officer had himself not only been chosen by a majority of the House, but he had already presided over it during three previous sessions. In addition to this, he had received its thanks, by a deliberate vote, for the faithful discharge of the duties imposed on him by his station, of which the proper selection of committees was far from the least in importance or responsibility. He had evinced in this delicate trust a marked attention to the claims of the minority—of the party to which he was politically opposed. He had given them, on many of the standing committees, a decided majority. In those where established usage, and the necessity of confidential intercourse with the Executive Department, made it matter of evident convenience and propriety, as well as of just deference towards the opinions of a majority of the House, that a majority of the committee should be of the same general political sentiments, he had yet carefully placed on such committees leading members of the opposition, and individuals whom they would

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in all probability have themselves selected for such a position. The previous course, therefore, not less than his own pride of consistency, his sense of duty and honor, and the high and conspicuous nature of the trust, gave evidence that from the hands of the Speaker a just, impartial, and competent committee would have come. A committee would have come so selected as to embrace the talents of the House best suited to such an inquiry, and one on which the most able and honorable members of the opposition would have been united with those of the Democratic party. But this would not have answered the political ends it was desirable to attain. A wanton attack was made on the character and conduct of the Speaker—as if it would have been practicable for him, had he desired it, in direct contradiction of all his previous course, so to constitute a committee as to thwart that investigation for which every member expressed an anxious desire. He was charged with gross impartiality and injustice, in defiance at once of the most conclusive evidence, and the recorded testimony of the House itself. To remove every pretext of further debate and delay, the Democratic members yielded to the demand, that the committee should be chosen by the House. This was still insufficient. As if everything was to be opposed that precluded the hidden arrangements of faction, or gave to the proceeding the appearance of fairness or the chance of disclosing unwished-for truth, the stand was deliberately taken, that the Committee should be selected by secret ballot. The responsible choice of the Speaker, and the open vote of the members, exposed to the scrutiny and judgment of their constituents, were equally dreaded. By the secret ballot, the power was attained, not merely of selecting from their own ranks the individuals best suited to their purposes—not merely of putting into the Committee such a majority of their own partizans as they chose—but also of excluding, from the small number they left of those friendly to the administration, all but such as were previously fixed by concert among themselves. Three members only, out of the nine, were chosen from those who were of the same political sentiments with the officers of the Government, whom it was intended to attack. In vain was it demanded, equally as a matter of justice as of right, that the wishes of their political friends might be consulted in the selection of these three. The claim, so unquestionably fair, was rejected without hesitation; and in the final constitution of the Committee, the partizan object of the whole proceeding—the total disregard of any desire to attain, and to exhibit to the public, the truth without perversion or disguise—was developed as unequivocally as in every previous step of this unprecedented transaction.

The conduct of the Committee, from the commencement to the close, was in accordance with the manner and motives of its crea-

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tion. It was soon made evident that the object of its investigation was not an inquiry about defaulters; but an extended range of inquisitorial research, secretly conducted, and implicating both officers of the Government and private citizens. The Democratic members in vain raised their voice at the outset against such a course of proceeding. In vain did they represent that the Committee, though a select, was not a secret one; that the House, when it constituted it, never intended its proceedings to be kept secret; that justice required prompt and early notice to be given to all persons accused; that the charges ought to be made in a public manner, the accused being confronted with the accuser; and that secret inquiries were unknown to the Constitution, and alien to the practice and feelings of the American people. Their resolutions expressing these sentiments, and asserting that all persons, whether officers of the Government or private citizens, who in the course of the investigation might be implicated or charged with official misconduct, should have immediate and prompt notice of the charge, so that, if innocent, they might repel it; and that, whatever might be its nature, it was reasonable and just that the same should be publicly brought forward and publicly answered; were promptly laid upon the table, and witnesses or persons were permitted to be present or excluded, according to the objects, views, or caprice of the ruling majority. Perceiving from this that an investigation into the designated defalcations was not in reality the object, but that a field of discovery was to be opened and entered upon, a last attempt was made to recal the majority to the object of their appointment. It was equally fruitless with that which had sought for fairness and justice in the proceedings. A resolution that "the Committee would proceed with all possible despatch to investigate the case of Swartwout, and, when that was complete and ended, take up the case of Price, and give that a thorough investigation," was laid upon the table; the misconduct of these principal defaulters, and the extent and manner of their depredations, were left without the least light being thrown upon them, in addition to that already obtained by the officers of the Government; and a roving inquiry for political purposes was instituted and persisted in for several weeks, varying in its extensive range from the leading Federal and Conservative politicians of New York to the committees of Tammany Hall, and mainly intended to drag into the net whatever could be so perverted as to criminate the present collector of New York, the Secretary and subordinate officers of the Treasury Department, or any other person whose political sentiments happened to differ from those of the majority of the Committee.

As if impatient of the delay which the performance of their assigned duties would occasion, and while the investigation relative to Swartwout was still unclosed, Mr. Hoyt, the present collector

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was peremptorily called on for numerous papers and documents in relation to his own official conduct, the correctness of which was totally unimpeached. In his reply, he ventured to ask the Committee whether he was himself regarded as a defaulter, and embraced in the resolution that prescribed their duties? This simple inquiry, this plain right of every citizen, was treated as an evasion by the majority of the Committee—as a desire to withhold the evidences of his official conduct. To ask such a question was characterized as a sensitiveness incompatible with conscious integrity; and a response to it was promptly and peremptorily refused. Mr. Hoyt complied with the resolution and furnished the papers; but he demanded of the Committee, as a matter of right, that, having gone thus far, they would at least do him the justice of entering into a thorough investigation of his official conduct before they left New York. This reasonable request was treated with absolute contempt; but—as if, while his desire to vindicate himself was spurned as an indignity towards his self-constituted judges, their wish to arraign him was proportionably augmented—they listened with complacency to the assertions secretly made against him by an officer of the customs, whom he had himself found it necessary to dismiss. The Democratic members of the Committee, considering the plainest principles of justice violated by allowing the character and reputation of an important officer of the Government to be attacked, as it were, in the dark, without his knowledge, or having the means to know the charges made against him, moved a resolution that he should be furnished, by the clerk, with copies of all the interrogatories and answers of David S. Lyon, the witness referred to, as far as he had made answers to them, relating to the conduct of Mr. Hoyt. This, however, seeming to be too great an indulgence towards one who had ventured to ask of the nature of the charges against him, was speedily amended, by the majority, who would only assent that he might be "*summoned as a witness*, and that before he was examined, the interrogatories submitted to Lyon, and his answers thereto, might be read to him, if desired, or he be allowed to read them himself; and that he might have liberty to attend the Committee during the examination of any witness called upon to testify concerning his official conduct."

Well do the Democratic members characterize this proceeding in their report! Justly do they "call the attention of the House and the country to this amendment—to this *boon* given to Mr. Hoyt, in his position of collector, surrounded as he was by open and secret enemies, in the shape of officers discharged by him, under an imperious sense of duty to the public and himself, from their places in the custom-house; and of foreign importing merchants, who fancied they had been injured by him in the discharge of his duty as collector." Most properly do they "beg the House and the country to look

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at it in its two-fold aspect as a subpœna, and as an indulgence given to an American citizen, who had his reputation, dearer to an honorable man than life itself, at stake; and to say, 'if these things can pass us like summer clouds, and not attract our special wonder.'" "Mr. Hoyt," they observe, "was summoned to *appear forthwith*, not as an ordinary witness, but in the *double character of a witness and party accused*. For rapidity of movement and quickness of execution, it was more like a warrant than a subpœna. It was no sooner served than Mr. Hoyt was in the Committee room. Lyon's testimony, as far as it had gone, was read to him, and he was instantly placed in the crucible of one of the members of the Committee, who examined him for many consecutive hours. We know not how others felt at the scene passing around them; but for ourselves, it was a subject of deep humiliation, and has left an impression on the memory not easily erased."

The closing scenes at New York, in regard to Mr. Hoyt, were worthy of those that preceded them. Frequent intimations had been thrown out that the time had nearly arrived for the return of the Committee to Washington. These intimations were, as the Democratic members of the Committee well knew, warnings not to be neglected. The evidence against Mr. Hoyt was in manuscript, though not printed; it would, as a matter of course, appear on the journal. All that he had to oppose to it was his own testimony, and that of one or two other witnesses. Justice demanded that he should have a full and fair opportunity to introduce rebutting evidence. Propriety and the peculiarity of his position required that this opportunity should be afforded him in the city of New York. An attempt was, therefore, made to obtain the passage of a resolution that the Committee would not adjourn their sittings from New York, at least, until Mr. Hoyt had time to prepare his defence. He sent, himself, a written communication making the same demand. The resolution was laid upon the table; the communication of the accused collector was neither read nor received. On the same day a peremptory order of adjournment was passed, and the determination was carried into effect while one of the Democratic members of the Committee was in the act of cross-examining Lyon, the discharged deputy, who had been attacking the collector; and while another of the same members was in the act of submitting a proposition for summoning the witnesses whose examination Mr. Hoyt requested, in order to rebut the insinuations made upon him by that individual. In vain did these members protest that the examination of the matter specially confided to them—the defalcations of Swartwout and Price—remained incomplete, and that few facts of any importance on those subjects had been elicited which were not previously known. In vain did they urge that it was due to the fair administration of justice to allow Mr. Hoyt a full opportunity to rebut the charges made against

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him; that several witnesses were under examination, the testimony of whom was not yet closed; that, from the fact of several witnesses having been under examination at the same time, whose testimony was not before the Committee, either in manuscript or in print, (a portion of the manuscript being in the hands of the printer,) they had not the means of ascertaining its effect or nature, and were unable to determine how much further the examination ought to proceed, or what other witnesses ought to be examined. In vain did they insist that fixing the time for adjourning to Washington, before the testimony was ended, was calculated to deprive the accused of the right (which every man has when charged) of showing that those charges were unfounded, and of protecting his character from aspersion; that it would prevent the individuals of the Committee from examining and cross-examining such witnesses as they believed ought to be examined; would set a precedent entirely new and arbitrary in the administration of justice, dangerous to the rights and privileges of persons who might be charged with misconduct; would be deciding a question, the propriety of which the Committee could not possibly know; and would be well calculated to destroy, in the public mind, all confidence in the results at which the Committee might arrive. In vain did they present these declarations in the shape of resolutions. They were summarily voted down. The objects desired to be attained at New York were complete. The materials to be worked up into partizan crimination were deemed sufficient. The rest was to them but "leather and prunella." The scene was to be shifted to Washington, in order that other persons than Mr. Hoyt might be introduced, in a similar manner, and for similar ends.

What course should now have been pursued, if the examinations so far had furnished the Committee, in their opinion, with evidence on which to charge, with official delinquency, the Secretary and other officers of the Treasury Department into whose acts they were about to scrutinize? What would have been the conduct of persons really desirous to investigate, not to criminate? It would have been to point out to these public officers the supposed errors or the alleged crimes; to demand their explanation; to require their exculpation or defence. Was such a course pursued? Not so; but the exact reverse. The whole progress of examination at Washington will be found, when the journal and interrogatories are examined, to be a counterpart to that practised at New York. The points of censure and charge were carefully suppressed from the witness. He was kept in ignorance of what had been said by other officers of the Department. Questions were framed to draw particular answers which might meet particular ends. The examination was carried just so far as to elicit the facts that it was intended to use for future and sinister purposes, but no farther; and

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when, at last, the evidence is spread before the public, it is made apparent that there is not a single officer thus censured, who could not have refuted or explained the charges that are made up, by this unjust and partial mode, had those charges been fairly made known to him, and the opportunity allowed him for defence.

It seems, however, to be regarded as a crime, if the officer who is thus denounced seeks to ascertain and to protect himself against these censures. What is the very first question propounded to the Secretary, when he is summoned before this new inquisition? "Have you seen, read, or heard read or described, or been informed of, any portion of the evidence taken before this Committee?" Why was not the Secretary of the Treasury to see, to read, to hear, or to be informed of evidence that might tend to inculpate himself; was an attempt making to injure that officer upon testimony kept wholly from his knowledge? Evidence was collected for the purpose of charging the late First Comptroller of the Treasury with highly culpable official neglect; not one word of this appears to have been made known to the person accused; no explanation whatever is sought from him; he is not even allowed the privilege accorded to Mr. Hoyt, of being "summoned as a witness." The present First Comptroller of the Treasury was subjected to a long examination, yet not a particle of the evidence purporting to affect his statements or conduct, previously obtained and then actually in print, appears throughout the whole course of his examination to have been submitted to him. Fragments of statements collected at New York, and referring to the official conduct of the late Solicitor of the Treasury, several years ago, were to be used in order to charge upon the neglect of that officer, now absent in a foreign country, the frauds of Price; yet, although clerks then in his office, acquainted with the transactions thus intended to be used, and capable of exhibiting them in their true aspect, were within the immediate call of the Committee, not one of them was summoned before it, not one word of defence was allowed on behalf of the absent. The present Solicitor of the Treasury, who is made to participate in the negligence of his predecessor, though summoned before the Committee, is asked no single question that can lead him to suspect the charges that are to be presented against him; is not permitted to see, nor even made aware of the evidence taken at New York, from which partial selections are to be culled, to his detriment; and is left to discover, for the first time, that he is accused of official neglect, when the charge is scattered from one end of the country to the other. Are these proceedings an "investigation?" Did Congress mean that the plenary powers they conferred on this Committee were to be wielded with an unfairness that has no parallel in our political history? If they had even designed that, instead of examining into the defalca-

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tions of public officers, they should pursue a system of partizan crimination, could they have believed that the pursuit would have been conducted with such injustice to the individuals accused, and that a deliberate endeavour would be made to assail the character and conduct of functionaries, whose honor, integrity, and fidelity were unimpeached, by obtaining evidence behind their backs and without their knowledge?

Although the business of the Committee appears, by their journal, to have been substantially finished by the 19th of February, it was not till the 26th that they offered their report to the House—and not until the 27th that it was actually made. The closing days of the session, when the pressure of necessary business absolutely excluded an examination; when the quantity of documents to be printed rendered it impossible that the charges could be known or answered on the floor of Congress; were selected as affording additional means of diffusing the attacks with which it was replete, and protecting them at the same time from exposure or reply. As if, however, nothing should be wanting to complete the unfair character of these proceedings, from first to last, the evidence, obtained as it was—the report made up as it was—even these were not permitted to speak for themselves. In anticipation of their appearance, an abstract of the "conclusions" of the Committee was prepared and scattered in newspapers, over the country. Suppressing or withholding the testimony, which it was pretended would sustain these conclusions, they were put forth by themselves to circulate through the community, and diffuse their secret poison in advance of the evidence, which, when seen, could not fail to prove an antidote (much as the reverse had been designed) to the subtle assertions that were promulgated as its true result. A month after the abstract for the newspapers came the report itself, containing the culled portions of the evidence, with the version appended to them; and not until time is given to spread twenty thousand copies of this through the land, are we at last favored with the testimony itself, or allowed the means of examining into the truth of charges that have been thus boldly made and universally disseminated.

The report, in its whole construction, character, and drift, is a fit sequel to this extraordinary series of proceedings. In vain do we seek to gather from it a connected view of the defalcations—a clear statement of their amount—an exposition of the manner in which they were perpetrated—a suggestion of the modes by which similar frauds are to be prevented. It is wretched in style, though evidently aiming at rhetorical display. It is most intricate and confused in arrangement, although divided and subdivided as if it was the perfection of logical precision. Yet, with all this, the evident object is constantly persisted in. A vague impression is

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imparted to the reader that the causes of the frauds upon the public revenue have been the improper conduct of the Secretary and subordinate officers of the Treasury; isolated passages are culled from the testimony, or voluminous masses of official correspondence; and "conclusions" are boldly deduced from these which are at variance with the result that a full and candid exposition would have led to. Coupled with this system of crimination is the effort made, through successive pages and attempted to be drawn by skilfully prepared interrogatories from witness after witness, to invalidate the investigations and to deny the truth of the statements made by the Treasury Department and submitted to Congress. These reports, they say, are not to be relied on as auxiliaries in finding out either the law or the facts; and they assert them to be especially defective in the view they give of the duration and manner of Swartwout's defalcation. It was important to their object to invalidate, if possible, the prompt and clear exposition of this mighty fraud which had been laid before Congress by the President. Hence this sweeping declaration; hence the effort to controvert the statement of the time when the defalcation was commenced, and of the manner of its concealment through successive accounts. The report to Congress had developed a systematic fraud, perpetrated, without intermission, from 1830. An attempt is now deliberately made, and elaborately argued, to prove that the defalcations of Swartwout did not commence till 1837. The report stated that this fraud was successfully concealed by the manner in which his accounts were made up. They are now declared to have been so furnished as to afford no just ground of reproach; and the statement of the Treasury officers, as to their error and deception, are pronounced to be unfounded and unsustained. These positions are boldly assumed. The defaulter is nearly converted into an innocent man, and one is almost led to expect that the political opponents of the Committee were to be put into his place as the perpetrators of his offences.

What can be thought of an official document that ventures to present to the public, for purposes of partizan crimination, assertions so totally at variance with the evidence on which they profess to rely? The Secretary of the Treasury had said, in his report to Congress, that the "first misuse of the public money by Mr. Swartwout, as collector, appears to have commenced in 1830. A series of defalcations, in various items of his accounts, seems to have followed and continued through each successive year, increasing constantly in amount, till near the close of his official term." Of this statement the report says—"the Committee do not concur in this view of the matter, nor do they find the facts to warrant the impress of any such early date upon Mr. Swartwout's defalcations;" and it concludes by saying that "the defalcation

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of Mr. Swartwout, by means of fraud and false returns, commenced in 1837, and not sooner." And yet the Committee had before them the statement of Swartwout's cashier and agent, in these words: "As far as my memory serves me, in regard to the difficulties of Mr. Swartwout, I should say that they *began not long after his appointment as collector*, and that, from that period he has continued to draw sums from time to time; that my assistant (Mr. Phillips) and myself have held frequent conversations with him respecting the sums of money which he had received, and that we often, when he applied to us, urged him to endeavour to obtain money elsewhere, if he possibly could, and not to draw any more from the bank; that, *about four years since*, when we again spoke to him on the subject of the amounts we supposed he had received, he requested us to have an interview with him at his house; that we met him, agreeably to appointment, and that he then assured us, as he had done frequently before, that he did not doubt that before many months the speculations he had entered into would result in such a way as to enable him to pay all up." Nor was this all; they had before them a statement of Mr. Phillips, the assistant cashier, in these words: "Mr. Swartwout came into office, as collector of the port of New York, on the 1st of May, 1829; and as far as my memory serves, *but a few months had elapsed before he commenced drawing money for his private uses*, which he *continued for a period of nearly nine years*, without any great intermission." Nor was this all; they had an actual list of more than forty checks, for sums varying from $1,000 to $12,000, drawn by Mr. Swartwout, on the public deposit, for his own use, previous to the year 1837; and they knew that books containing the evidence of other similar checks had been lost or mislaid. Which, then, is erroneous, the statement of the Secretary of the Treasury, or the "conclusion" of the Committee?

Not satisfied with relieving Mr. Swartwout from the imputation of a defaulter during seven long years, when he was deliberately drawing out the public money, and appropriating it to his private use; an attempt is made to prove that his accounts were, during the same period, faithfully rendered to the Treasury. "All moneys," say the Committee, "received by Mr. Swartwout as collector, prior to 1837, are regularly accounted for by him, in his quarterly returns to the Treasury Department." "We do not feel justified," they add, "in acceding to the correctness of the view presented by the Executive and Treasury officers, that Mr. Swartwout became a defaulter at any time prior to 1837, on either of the items of account above enumerated—amounting, in all, to two hundred and twenty-one thousand nine hundred and seven dollars and thirty six cents. On the contrary, he *accounted for them properly* to the Treasury, but was permitted to retain them until his last

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quarter of service; and then, and not until then, was he required to pay them; and then did he become a defaulter for them, and not before. *There has not been discovered any evidence whatever, that,* in regard to this portion of his present indebtedness, *Mr. Swartwout's accounts,* either at the custom-house or as returned to the Treasury, *bear any impress of fraud or deception;* for what was omitted to be charged on one of those accounts was fully charged on another of them." And was not this evidence of fraud or deception—to charge to one account, that which belonged to another? It is assumed that Mr. Swartwout was no defaulter—that his accounts were not fraudulent or deceptive—because they presented the aggregate sum with which he was chargeable; and that the Executive and Treasury officers have done him injustice in so representing the accounts, which for seven years he continued to transmit to the Treasury. That is to say, the habit of Mr. Swartwout to represent himself as having large sums of cash on hand, when they had been used by himself, was no fraud in his accounts—to return large amounts as retained to meet protested duties when these moneys had been spent for his private purposes was no fraud—to keep his account at bank in accordance with his weekly return to the Treasury Department, by including in the former the receipt of two or three days more than in the latter, was no fraud. Yet in regard to those things, the testimony is clear and uncontradicted, and if these be not evidence of fraudulent accounts—aye, of skilful fraud—it is impossible to conceive what evidence could have been required.

Such is the whole drift and tenor of this report—a crimination of political opponents, not a candid exposition of the truth. Such is the whole course of proceedings adopted by this Committee, from first to last. Trace them from the beginning to the end—the partial call for correspondence; the violent accusations and denunciations in advance; the formation of their body by secret ballot; the exclusion even of such a minority as the friends of the accused would have desired; the secret delation of discharged officers; the refusal to hear testimony in defence of the accused; the course of examination so adopted, as to prevent any explanation or refutation of charges intended to be made; the concealment from public officers of the grounds on which they were to be attacked; the introduction of the report at a period of the session too late to permit any refutation or reply; the circulation through the newspapers of a partial abstract of what was asserted to be proved; the withholding of the evidence until long after the report was spread through the country; the whole drift and effort of the report itself to diminish the guilt of the defaulter, and to criminate the Executive and Treasury officers—trace all this, we say, and what true light has the country received from this investigation; what have Congress

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gained from the work of agents who have so misused the trust confided to them; what return have the public received for the large amount of public money squandered on partizan printers and on the Committee themselves; what reliance can be placed on their attempted exculpations of the guilty; what credit can be given to the wholesale criminations of the officers of the Treasury; what candid or honorable man would permit himself to believe, on assertions so made, and evidence so brought forward, the reiterated charges of official misconduct, thrown around with an indiscriminating hand upon every public functionary whom it was deemed matter of policy to attack or injure?

Nor is it only for what they have done, and the manner in which they have done it, that the proceedings of this Committee of Investigation should and will receive general and just animadversion. What has been omitted, is not less remarkable than what has been performed. The words of the resolution by which they were constituted, declared it should be "their duty to inquire into all such facts connected with said defalcations as might be deemed material to develop their true character," and in order that they should discharge that duty, "the said Committee had the power to send for persons and papers" conferred upon them. They were invested with that plenary authority which Congress could alone give. They were not confined in their inquiries by the limitations imposed on the Executive or Treasury officers. They were bound, when they accepted their trust, to omit no investigations which should "develop the true character" of these frauds. The officers of the Treasury Department had pursued their examinations as far as the law authorized them to go; they had examined the books, vouchers, and accounts of Swartwout and Price; they had obtained such testimony as they could from individuals connected with the revenue at New York; they had ascertained the exact amount of public money which each of them had abstracted; they had discovered the times and manner of its being taken; they had traced the several funds where the deficits occurred; the state of the accounts, whether as kept at the Custom-house or examined at the Treasury, had been explicitly and fully presented. Yet with all this, the President, aware of the limited powers of the Treasury Department, in pressing such an investigation, had recommended a further inquiry under the extensive powers of Congress. That body itself, with the results before them of what the Treasury officers had done, still thought that there were other "developments material to the true character of defalcations," and that these, their Committee, vested with such ample authority, could, and ought to make. Have they done so? What single material fact tending to develop the true character of these defalcations is now known to the public, that was not before known? Is the

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amount of the defalcation changed, or its source, or the mode in which it was perpetrated? In no instance has this been done. What new facts, at all material to develop the character of these defalcations, is brought to light, in this great volume of seven hundred and sixty-eight pages? Perhaps the important evidence derived from the thirty-five questions pronounced to Mr. John Becker, "the collector of funds for Tammany Hall," or the vast disclosures of Mr. Arent S. Depesster and Mr. Abraham B. Vanderpoel, in regard to the expenses incurred at the elections in New York, are deemed to be "material developments" of the character sought by Congress. Such, we venture to say, is the opinion neither of Congress nor of the country. The Committee were bound to have removed the veil of mystery that hangs over the transactions of Swartwout and Price, and which they alone could remove. The Treasury officers had shown that Custom-house bonds to the amount of six hundred and forty-six thousand dollars had been surrendered by Swartwout, and the money not paid into the Treasury; they had shown that six hundred and eleven thousand dollars of these had been so surrendered in one quarter of the year 1837; they had given a list of the persons by whom nearly six hundred thousand dollars of these bonds must have been paid, if paid at all. Beyond this the Treasury officers had no power to go. They had no right or authority to examine these persons, or to make further inquiry in regard to those payments, extraordinary and mysterious as the whole matter was. Such power the Committee of Investigation had. The transaction was one above all others "material to develop the true character of the defalcation." Yet was it totally and absolutely disregarded; and the whole of it, after the Committee had passed fourteen days in New York, where the persons perfectly able to disclose every thing relating to it resided—was left in the same obscurity as on the day when the Committee were appointed.

Was it not "material to the development of this defalcation" to ascertain in what manner this amount of more than half a million of dollars, apparently collected in three months, had been disposed of? Yet none of the persons or papers are sent for that could disclose this. Was it not material—yes, peculiarly and indispensably material—to know in what manner the whole of Swartwout's appropriations of public money had been applied; what property he had; where the Government were to look for indemnity or repayment? Yet no ray of light is thrown upon this branch of the subject. The necessarily imperfect inquiries of the Solicitor and Comptroller of the Treasury—made without any "power to send for persons or papers," without any authority to summon witnesses—convey all the information we yet have as to the property of Swartwout, or the chance of recovering any portion of the debt. There

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is no possible doubt that Congress meant the Committee to examine into the subject; such a body could alone do it; yet has it been totally and absolutely neglected. The officers of the Treasury are left to find out these matters as they may; and we presume they will hereafter be censured, if they fail to discover or pursue all the various investments or speculations that Swartwout may have made.

In regard to the defalcation of Price—still more mysterious in its character—a degree of negligence equally extraordinary is exhibited. Although it is stated in the report of the minority of the Committee, that they were "under the conviction, from the general complexion of the testimony during the whole of the investigation, that Price acted a very important part in these frauds and peculations," yet was any examination into the nature, extent, or character of this connection totally neglected—and this, too, notwithstanding the urgent solicitations of the Democratic members of the Committee. Even the clerks in Mr. Price's office do not appear to have been called before them; the sums of money he has been charged with having collected are not verified by the testimony of the persons stated to have paid them; what property he possessed that may be made available they never sought to know; and the whole light they throw on the defalcations of Price, is that derived from the examinations and report made by the present District Attorney and Collector, to the Solicitor of the Treasury, and under his instructions.

Do we err, then, in saying that what this Committee have omitted, displays even a greater neglect of the trust they assumed and the duty imposed on them, than that which they actually did? While engaged in scrambling after evidence to criminate the officers of the Treasury, and in so interpreting and mystifying matters previously known as to make them subserve a political end, they have disregarded the will and intention of Congress, and they have left in deeper obscurity that which they could and ought to have explained.

In assigning the causes of the defalcations of Swartwout and Price, it could not be expected—after the course the Committee had pursued, and the evidence which they had either taken or omitted to take—that any others would be found than such as might tend to criminate the officers of the Government or their own political opponents. The defects of existing laws; the skilful means adopted to evade detection; the falsification of accounts; the want of checks and securities recommended to Congress for adoption, over and over again—all these, and every similar cause, are of course discarded by the Committee, and those only are admitted or recognized by them which are supposed to justify the censures they were predetermined to make. "Culpable negligence" is charged upon the present First Auditor of the Treasury, because the register of bonds in his office had been permitted to fall in arrear, though the testimony

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before the Committee clearly shows that whatever negligence there was, occurred years before he came into office, and that the time necessary to supply the arrears in the register would have made it impossible, even if a clerk had occupied his whole time upon that subject, to have discovered by those means, at an earlier period than was done, the defalcation in the bond account of 1837. "Culpable negligence" is also charged on the First Comptroller of the Treasury, an officer who had been but a few months appointed, because, in revising the accounts of the Auditor, he did not adopt a system which was not either required by the plain construction of the law designating his duties, or ever adopted, so far as appears, from the commencement of the Government; but which the Committee assume to be sufficient for detecting the fraudulent accounts of Swartwout. Page after page is devoted to an elaborate argument to prove that the weekly returns, made to the Secretary of the Treasury for the purpose of ascertaining the situation of the revenue for financial purposes, should have been used for the detection of defaulters; and the "conclusion" drawn is, that the negligence of the Secretary is a primary cause of the delinquency of Swartwout having been so long undiscovered. So in regard to the defalcations of Price. Although it is well known that the laws regulating District Attorneys are so loose as to make every check upon them next to impossible; although the testimony before the Committee expressly stated that the principal means by which Price proceeded in his frauds, was receiving money in a manner contrary to the directions of the Solicitor of the Treasury; and although the evidence showed that he had made rapid collections from suits which the law placed under his control, and then suddenly fled from the United States; yet the causes of his defalcation are pronounced to be "continued neglect at the office of the Solicitor of the Treasury." Nay, more, it must have been known to the Committee, that the District Attorney was among those officers, receiving large amounts of public money, from whom no bonds were required, and no examination of whose accounts was legally provided for; that this was a defect in the law, expressly pointed out by the Solicitor of the Treasury, and submitted to Congress by the President, in his very first annual message, with a view to legislative amendment; and that, had this been accorded, the delinquency of Price would not have occurred—or, if occurring, would have been attended with no loss.

Such is the extreme injustice, the partizan character by which this report is distinguished from first to last. Instead of a document resulting from the investigations of this Committee, in which are disclosed the defects of existing laws, the manner in which the public treasure has been abstracted, and the changes suggested by experience to counteract the ingenuity of fraud, we have a volumi-

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nous electioneering pamphlet. The defects in our financial system, which the testimony establishes in instance after instance, are suppressed or explained away, because, if admitted, they might sustain the propriety of charges that have been suggested by those in Congress to whose political sentiments the Committee were opposed; or because they might relieve the Executive and public officers from the abuse that has been heretofore lavished in debate, and the charges that are now elaborately specified. That there are many people in the United States who will wade through this enormous and ill-digested mass, we do not believe; but if there were, we would willingly submit to them, after such examination when candidly made, the whole issue between the Democratic and Whig parties in regard to the safe-keeping of the public money. Every page of this document goes to show that the defalcations of Swartwout and Price could not have been perpetrated; or if perpetrated, could not have been concealed—had that separation in the collection and keeping of the revenue; that absolute limitation of disbursements to such as are warranted by previous appropriation; that periodical scrutiny into the accounts of all revenue officers; and that subjection of defaulters to the punishment of felons—all of which have been so repeatedly urged by the Democratic members, and so uniformly thwarted by the Whigs—been permitted to pass into the laws, and form a portion of the existing regulations of the public Treasury.

A REVERIE.

BY S. W. CONE.

> Why, at twilight's silent hour,
> Come memory's thoughts with stronger power?

The tall trees sighed to the ev'ning's breath,
  As it passed on its viewless way,
And the sky was moist'ning, with gentle tears,
  The grave of a buried day.
There seemed in the wind, as it hurried on,
  A low and mournful tone,
Like the sigh wrung forth from the lonely breast,
  For the loved and early gone;
Or the heart's low moan, when the tempest strife
  Of passion hath passed it by,
And it only feels that it still exists
  In the throb of its agony!

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I sat alone,—around, were rock and wood,
And with soft murmuring, a mountain flood,
Now shrunk by summer, to the twilight air
Babbled in music sweet; as though there were
In every thing inanimate a beam,
Holding communion with each kindred gleam
Of the great spirit of the beautiful,
Which felt, though seen not, still pervades the whole!

And I, too, felt it—but 'twas sadly sweet,
For all that love me, or whose love I meet
With a full heart's acceptance and return,
Were far away; and as my breast would yearn
For but one draught of those deep joys that lie
Within the fount of love and sympathy,
Fond memory painted, thro' the twilight's haze,
My father's look, my mother's earnest gaze—
Such as I've seen her, when, while all others slept,
Unto my couch of pain she softly crept,
To soothe the anguish of her sickly boy;
No thought of self, no grain of base alloy
Within her breast, one fretful line to trace,
Or cloud the brightness of that angel face!—
Oh, no! her soul, as glorious as the gem
That brightest gleams in seraph's diadem,
Still shone through all, with love's immortal ray,
Though mixed with matters base, and set in clay!

Then came thick crowding fancies from the past,
But, like the shadows that around me cast
Their lengthening gloom, vague and uncertain, fell,
And seemed more of a former state to tell,
Than to be memories from this present life
Of expectation, disappointment, strife,
They were so dim and spirit like:
They pass'd—
And twilight's gone,—night comes, like death, at last!

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THE ARAB'S HORSE.

[The subjoined sketch is founded on the well-known story of the poor Arab who had agreed to sell his mare to the agent of Louis XIV. Although he had brought her a long distance, he could not endure the pangs of parting with her, but refusing the proffered gold, vaulted on her back, and returned to his desert home with his old companion.]

I bring thee here my desert steed,
  Queen of her matchless race!
The best that ever joyed to lead
  The battle's fiery chase.

How youthful are my courser's charms!
  It seems but yesterday
Since first in all her wild alarms
  I taught her to obey.

At first she spurned the desert sand
  In high and proud disdain,
But soon she bowed to my command
  And owned the practised rein.

The light jerreed above her flies;—
  It cannot make her quail,
And next before her fearless eyes
  Floats Ada's silvery veil.

Then when I found her true of heart,
  An Arab void of fear,
I slacked her rein and bade her part
  Upon her fleet career.

Like arrow from an archer's hand
  She sped away!—away!
A hundred miles of parching sand
  Were traversed on that day.

Blazing beneath the burning sun
  There lay a lonely pool,
And there, her headlong journey done,
  I plunged my steed to cool.

No shiver in her swelling flank
  No dimness in her eye!
Unharmed, she of the water drank
  Beneath the scorching sky. *

I love her, Christian! She hath braved
  The steam of deadly strife—
Think how I love her! She hath saved—
  Aye—more than once—my life.

And well doth she repay my care
  When chains and death are nigh;
The eagle through the trackless air
  Moves not so fast as I.

My wife beside the lonely well
  Will make her bitter moan,
E'en when the bright red gold I tell,
  If I come back alone.

Can gold perform my courser's task;
  Replace the peerless gem?
My children for their friend will ask
  How shall I answer them?

My Zúlima! and must thou feel
  A Christian's strange caress?
Or suffer from his goring steel
  When faint from weariness?

And canst thou far away from me
  Thy food in comfort take?
I know thy heart will cheerless be,
  But mine, alas! will break.

Our Arabs' tents adorn the plain—
  A plain without a track—
Shall Kings control thy broidered rein—
  Or wilt thou bear me back?

Back to our happy desert home—
  Our fountain and our tree,
Again the fiery waste to roam,
  Contented, poor, and free.

My Zúlima! she neighs assent!
  She snuffs afar the breeze
That waves the canvass of our tent,
  And sings among our trees.

And pleasant voices greet her ear
  And pleasant visions shine
Before her eyes—you see, you hear—
  Take back your gold!—she's mine.

Boston, 1837. F. A. D.

* The rough method of breaking colts, described in the text, is said to be invariably practised by the Arabs.

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AMERICA AND THE EARLY ENGLISH POETS.

The expeditions to America undertaken in the reign of Elizabeth, and in that of the first James, could not fail to awaken a more than usual interest in the public mind. This interest must have been proportionably increased, when the fact was known that several bands of their adventurous countrymen had obtained a footing in the new world; had formed compacts with the Indian, or driven him back to his native wilds; had established villages and towns, which soon assumed importance from the grant of corporate rights and charters, and other immunities. But then these facts were known to comparatively but few, and it was long before the intelligence found its way to the interior of the country. There were then no Magazines, no Reviews, and above all, no newspapers to circulate intelligence in a few hours from one end of the kingdom to another. Men were content with oral information, which, after it had survived, perhaps, the proverbial nine-days' interest, was suffered to pass into oblivion. As there was no medium for transmitting the information of the day, few, if any, thought of recording it, and hence the absence of any details relative to the social history, literature and biography of these times. What has been qualified as a want of curiosity in the worthy people of the golden days of the good Queen Bess, might, it appears to us, be more properly ascribed to the cause here assigned.

In the absence of other chroniclers, the poets have, from time immemorial, been looked up to as the transmitters, indirectly at least, of the traditionary lore of their age, of its more remarkable events, and of all that most deeply excited its attention and rivetted its interest. It is to these sources that we have looked for materials to throw some light upon the state of the public mind in England, in reference to the early settlement of America, and we are led to hope that enough has been discovered to furnish out an Article which will present a general transcript of the feelings of this interesting period. At all events, it has the merit of novelty.

The first settlement made by the English in America was in Virginia, about the year 1590. In 1592 appeared that great masterpiece of fancy and invention, the FAIRY QUEEN, which its author laid at the feet of his great patroness and friend, Queen Elizabeth. In the character of this extraordinary woman were blended contrasts the most singular—the frivolous and the cruel, the lofty and the mean, all that is humiliating in personal vanity with all

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that is great and ennobling in public spirit. Among her number less foibles, the most remarkable was that of being known to her contemporaries, and to posterity, by the title of "the Virgin-Queen." It was to flatter this weakness of his mistress, that Sir Walter Raleigh named the newly-discovered country VIRGINIA. Spenser's Dedication to her of the first edition of the Fairy Queen is too curious to be withheld from the reader, especially as, for reasons which now can be only conjectured, this dedication was altered in the subsequent edition. It runs as follows:

"TO THE MOST HIGH AND MIGHTY
ELIZABETH,
BY THE GRACE OF GOD, QUEEN OF ENGLAND,
FRANCE AND IRELAND,
And of Virginia,
HER MOST HUMBLE SERVANT,
EDMUND SPENSER,
DOTH IN ALL HUMILITY,
DEDICATE THESE HIS LABOURS,
To live with the eternity of her fame."

This may be thought to form a curious anticlimax, but surely not more remarkable than the present regal title—King of Great Britain, France, and Ireland, and also of—*Berwick upon Tweed.*

In canto the tenth of the Fairy Queen, mention is thus made of America:

"Who, then, can thee, Mercilla, thoroughly praise,
That herein dost all earthly princes pass?
What heavenly muse shall thy great honor raise
Up to the skies, whence first deriv'd it was,
And now on earth itself enlargèd has,
From th' utmost brink of the Americ shore
Unto the margent of the Moluccas?
Those nations far thy justice do adore,
But thine own people do thy mercy praise much more."

We have here a just and well-turned compliment both to Elizabeth and to Spenser's friend, Sir Walter Raleigh, to whose kind offices the poet had, during the season of his distress, been deeply indebted.

1599. From Spenser we turn to another poet of the same period, whose name is not so familiar in the mouths of men as it deserves to be. Michael Drayton is a genius, if not of the loftiest, at least of the most pleasing order; there is scarcely any kind of composition, from the sonnet to the domestic epic, which he has not attempted, and with success. His "Polyolbion" stands an indestructible monument of his learning, taste and invention. His sonnets are some of the sweetest and most characteristic compositions of the Elizabethan era, and his "Muses' Elysium," or pastoral pieces, exhibits a play of fancy, and a command of language and

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of rhythm, unsurpassed in our mother tongue. Joined to these qualities is another, very rarely to be found in the poetry of this period—we mean humor, a native vein of which runs through all his compositions. It even stole into his more serious pieces; for instance, in one of his elegies he has the following lines:

> "A tender-hearted man, like me, may spend
> Some pious drops for a deceased friend;
> Some men, perhaps, their wives' late death may rue,
> Or wives their husbands'—but the number 's few."

We are led to hope that some lover of the good old school of our poetry will revive a portion, at least, of the works of this delightful writer; we know not of any one of our elder poets over whose palingenesis we should more sincerely rejoice.

There are two of this writer's poems that have a reference to our country, and which we have selected for the present occasion. With respect to the subject of the second, we would state, for the information of those not acquainted with the fact, that Sandys completed his translation of Ovid in Virginia, whence he dates his dedication to Charles the First. In a second article, which we contemplate, on America and the early English prose-writers, we purpose to give this, with other curious articles.

"THE VIRGINIAN VOYAGE.

> You brave heroic minds,
> Worthy your country's name,
> That honour still pursue;
> While loitering hinds
> Lurk here at home with shame—
> Go, and subdue.
>
> Britons, you stay too long;
> Quickly abroad bestow you,
> And with a merry gale
> Swell your stretch'd sail,
> With vows as strong
> As the winds that blow you.
>
> And cheerfully to see,
> Success should still entice
> To get the pearl and gold,
> And ours to hold,
> Virginia,
> Earth's only paradise.
>
> Where nature hath in store
> Fowl, venison, and fish;
> And the fruitfullest soil
> Without your toil—
> Three harvests more,
> And greater than your wish.

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Here the ambitious vine
  Crowns with his purple mass
    The cedar, reaching high
    To kiss the sky;
With cypress, pine,
  And useful sassafras.

When, as the luscious smell
  Of that delicious land,
    Above the sea that flows,
    The clear wind throws,—
Your hearts shall swell,
  Approaching the dear strand.

In turning of the shore,
  Thanks to God first given,)
    You, the happiest men,
    Be frolic then;
Let cannons roar,
  Affrighting the wide heaven.

And in these regions far,
  Such heroes bring ye forth
    As those from whom we came,
    And plant our name
Under that star
  Not known unto our north.

And there, as plenty grows
  Of laurel every where,
    Apollo's sacred tree,
    Oh, may you see
A poet's brows
  To crown, who may sing there.

Thy voyages attend,
  Illustrious Hackluit,
    Whose reading shall inflame
    Men to seek fame,
And much commend
  To after-times thy wit."

"EPISTLE TO MR. GEORGE SANDYS,

Treasurer for the English Colony in Virginia.

Friend, if you think my papers may supply
You with some strange omitted novelty,
Which others' letters yet have left untold,
You take me off before I can get hold
Of you at all; I put not thus to sea,
For two months' voyage to Virginia,

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With news which now, a little something here,
Will be but nothing ere it can come there. . . .
My worthy George, by industry and use,
Let 's see what lines Virginia will produce:
Go on with Ovid, as you have begun
With the first five books; let your numbers run
Glib as the former—so shall it live long,
And do much honor to the English tongue.
Entice the muses thither to repair;
Entreat them gently, train them to that air;
For they from hence may thither hap to fly,
Towards the sad time which but too fast doth hie;
For poesy is follow'd with such spite
By grovelling drones that never reach'd her height,
That she must hence; she may no longer stay:
The dreary Fates prefixed have the day
Of her departure, which is now come on,
And they command her straightways to be gone.
That bestial herd so hotly her pursue,
And to her succour come so very few—
Nay, none at all, her wrongs that will redress—
That she must wander in the wilderness,
Like to the woman, whom the holy John
Beheld in Patmos in his vision.
As th' English now, so did the stiff-neck'd Jews,
Their noble prophets utterly refuse;
And of those men such poor opinion had,
They thought Isaiah and Ezekiel mad;
When Jeremy his lamentations writ,
They thought the wizard quite out of his wit:
Such sots they were, as worthily to lie
Lock'd in the chains of their captivity;
Knowledge had still an eddy in her flow—
So it hath been, and will be ever so.
That famous Greece, where learning flourish'd most,
Hath of her Muses long since ceas'd to boast;
Th' unletter'd Turk and rude Barbarian trades
Where Homer sung his lofty Iliads;
And this vast volume of the world hath taught,
Much may in little time to pass be brought.
And, if to symptoms we may credit give,
This very time, wherein we now two live,
Shall, in the compass, wound the Muses more
Than all th' old English ignorance before.
Base balladry is so belov'd and sought,
That those brave numbers are put by for nought,
Which, rarely read, were able to awake
Forms from the grave, and to the ground to shake
The wandering clouds; and to our men-at-arms,
'Gainst pikes and muskets were most pow'rful charms.

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But well I know ensuing ages shall
Raise her again, who now is in her fall;
And out of dust reclaim our scatter'd rhymes—
Jewels rejected by these slothful times.
If you vouchsafe rescription, blend your quill
With nature's bounties, and impart your skill
In the description of the place, that
May become learned in the soil thereby;
Of noble Wyat's health, pray let me hear,
The governor; and how the people there
Increase and labour; what supplies are sent—
All which I own will give me much content.
But you may save your labour, if you please
To write me aught of those your savages;
For savage slaves be in Great Britain here,
As any one that you can show me there.
But though for this I say I do not thirst,
Yet should I like it well to be the first
Whose numbers have into Virginia flew:
So, noble Sandys, for this time, adieu!"

Daniel, in that charming and highly philosophic poem, *Musophilus*, has the following prophetic lines:

"And who knows whither may, in time, be sent
The treasures of our tongue? To what strange shores
This gain of our best glory may be lent
T'enrich unknowing nations with our stores?
What worlds in the yet unform'd occident,
May 'come refin'd with accents that are ours."

This burst of patriotic pride, in which the poet indulged, in anticipation of the future spread of a language, which his even too much neglected works contributed greatly to improve and adorn, was no vision of the fancy, but destined to be realized to the very letter. "The treasures of our tongue," have been spread, not only to the "strange shores" of "unknowing nations" of the East, but have penetrated to the farthest limits of the now not "unformed occident." The language of Daniel is heard and spoken from one extremity to the other of our Western Hemisphere; indeed, it may triumphantly be said, that the sun now sets upon the wide-spread regions in which that language prevails, and this is one of those triumphs unalloyed by any admixture of party-feeling; it awakens a responsive feeling in every American as in every British bosom.

1620. We now touch at that epoch so interesting to every American heart—the landing of the Pilgrim Fathers; we hail the arrival, on the shores of the New World, of the little band of fugitives from the religious persecutions of the Old. It is highly inte-

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resting to find this very moment recorded by no unworthy hand. George Herbert, the author of a charming volume of sacred poetry, entitled "The Temple," was born in 1593, in Montgomery Castle, Wales, one of the descendants of an ancient and noble family. He was a younger brother of the celebrated Herbert, Lord Cherbury, and, taking to the church, became a divine of eminence. Besides the volume above mentioned, he is the author of a number of religious poems, which have come down to us recommended not only by their piety, but also by the poetical spirit which they breathe throughout—proving, in the language of good old Southwell, "how well verse and virtue may agree together." The following is a part of a longer poem, and will be read with peculiar interest, as marking with precision a memorable epoch.

"Religion stands on tiptoe in our land,
Ready to pass to the American strand.
When drafts of future bane shall fill our cup
Unto the brim, and make our measure up;
When Seine shall swallow Tiber, and the Thames
By letting in them both, pollute her streams;
When Italy of us shall have her will,
And all her calendar of sins fulfil,
Whereby one may forestall what sins next year
Shall both in France and England domineer:
Then shall Religion to Amerique flee—
They have their times of Gospel, e'en as we.
My God, thou dost prepare for them a way
By carrying first their gold from them away,
For gold and grace did never yet agree—
Religion always sides with poverty.
We think we rob them, but we think amiss,
We are more poor, and they more rich by this.
Thou wilt revenge their quarrel, making grace
To pay our debts, and leave our ancient place
To go to them; while that, which now their nation
But lends to us, shall prove our desolation.
And as the sun still goes both west and east,
So also shall the Church, by going west,
Still eastward go; because it draws more near,
In time and place, when judgment shall appear."

1650. Andrew Marvell is known as "the friend of Milton," and his verses on "Paradise Lost" were among the first tributes to that great work, whose merits were at first so little known or appreciated. He also remained firm, to the last, to the republican principles of his friend. The following anecdote respecting him must not be forgotten. He was several years member for Hull, his native town, and, by his uncompromising opposition to the ministry, created himself many enemies. Notwithstanding this, Charles the Second took great delight in his conversation, and tried all means

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to gain him over, but in vain. The king, having one night entertained him, sent the lord-treasurer Danby the next morning to find out his lodgings, which were up two pair of stairs, in one of the obscure courts in the Strand. He was busily engaged in writing, when the treasurer abruptly opened the door. Surprised at so unexpected a visitor, Marvell told his lordship that he supposed he had mistaken the house. "Not now, I have found Mr. Marvell," was the reply. Lord Danby then informed him that he came with a message from the King, wishing to know what his majesty could do to serve him. Marvell replied, in his usual tone of good humor: "His majesty serve me!—why I know of nothing in his power so to do." Coming to a serious explanation, our author told the treasurer that he knew full well the nature of courts, having been in many; and that whoever is distinguished by the favor of the prince is expected to vote in his interest. Lord Danby told him that His Majesty, from the just sense he had of his merit, desired to know whether there was any place at court he could be pleased with. Marvell's reply was, "I cannot in honor accept the offer, as I must either be ungrateful to His Majesty in voting against him, or false to my country by deserting it in the hour of need. The only favor I beg of His Majesty is, that he would esteem me as faithful a subject as any he has, and more truly in his interest by refusing his offers, than he could possibly be by my accepting them." Lord Danby, finding that persuasion was of no effect, proceeded to try an argument which but too seldom fails. He tendered him one thousand pounds, which he hoped he would accept, till he could think of something better to ask His Majesty. Marvell rejected the bribe with a steadiness which left the minister nothing to hope; though, as soon as he was gone, he was obliged to go to a friend and borrow a guinea for the exigencies of the moment. The little descriptive piece here given, of which the subject is the landing of the Pilgrims in Bermuda, has been admired for its beauty and delicacy.

"THE EMIGRANTS.

Where the remote Bermudas ride,
In th' ocean's bosom unespied,
From a small boat that row'd along,
The listening winds receiv'd this song:

'What should we do, but sing His praise
Who led us through the wat'ry maze
Unto an Isle so long unknown,
And yet far kinder than our own!

'Where He the huge sea-monsters racks,
That lift the deep upon their backs;
He lands us on a grassy stage,
Safe from the storms and orelates' rage.

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'He gave us this eternal spring
Which here enamels every thing,
And sends the fowls for us, in care,
On daily visits through the air.

'He hangs in shades the orange bright,
Like golden lamps in a green night;
And in these rocks for us did frame
A temple, where to sound his name.

'Oh! let our voice his praise exalt,
Till it arrive at Heaven's vault,
Which thence, perhaps, rebounding, may
Echo beyond the Mexique bay.'

Thus sang they in the English boat,
A holy and a cheerful note;
And all the way, to guide their chime,
With falling oars they kept the time."

1700. George Berkeley was born in Ireland in 1684, and died in 1753. In 1733, he was promoted to the bishoprick of Cloyne, which he illustrated by his talents, his virtues and his liberality·

"To Berkeley every virtue under heaven,"

is a line of Pope, which was true to the letter. He had long cherished a scheme for the conversion of the North American Indians, for which he published "A Proposal" in 1725. Among many excellent remarks is the following:—"It is but just that these poor creatures should receive some advantage with respect to their spiritual interests, from those who have so much improved their temporal, by settling among them;" and he thus concludes—"A benefaction of this kind seems to enlarge the very being of a man, extending it to distant places and to future times; inasmuch as unseen countries and after-ages may feel the effects of his bounty, while he himself reaps the reward in the society of those who, having turned 'many to righteousness, shine as the stars for ever and ever.'" The poetical piece, which bears upon the subject of our Article, and which is the only thing in verse we have from his pen, is on the prospect of planting arts and learning in America. Having been uttered now nearly a century and a half ago, it may rank in the list of prophecies, while it is one of the most beautiful compositions in the English language.

"ON THE PROSPECT OF PLANTING ARTS AND LEARNING IN AMERICA.

The muse, disgusted at an age and clime
Barren of every glorious theme,
In distant lands now waits a better time,
Producing subjects worthy fame:

In happy climes, where from the genial sun
And virgin earth such scenes ensue,
The force of art by nature seems outdone,
And fancied beauties by the true.

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In happy climes, the seat of innocence,
Where nature guides, and virtue rules;
Where men shall not impose, for truth and sense,
The pedantry of courts and schools.

There shall be sung another golden age,
The rise of empire and of arts;
The good and great, inspiring epic sage,
The wisest heads and noblest hearts.

Not such as Europe breeds in her decay;
Such as she bred when fresh and young,
When heavenly flame did animate her clay,
By future poets shall be sung.

Westward the course of empire takes its way—
The four first acts already past,
A fifth shall close the drama with the day,
Time's noblest offspring is the last."

ODE,

WRITTEN FOR THE FIFTIETH ANNIVERSARY OF THE INAUGURATION OF WASHINGTON, APRIL 30, 1839.

By William Cullen Bryant.

Great were the hearts, and strong the minds
Of those who framed, in high debate,
The immortal league of love that binds
Our fair broad empire, state with state.

And ever hallowed be the hour,
When, as the auspicious task was done,
In solemn trust, the sword of power
Was given to Glory's unspoil'd son.

That noble race is gone; the suns
Of fifty years have risen and set;
But the bright links, those chosen ones
So strongly forged, are brighter yet.

Wide—as our own free race increase—
Wide shall extend the elastic chain,
And hold in everlasting peace,
State after state, a mighty train.

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THE SECOND WAR OF THE REVOLUTION.

BY A VIRGINIAN.

When the people of the United States resolved to put an end to the corporation which, rising upon the ruins of the old continental currency, amidst the wants and distresses of the revolution, early displayed its native instinctive hostility to justice, equality, and the liberties of the people; and which, after a few years of *interregnum* and anarchy—while the people, burthened with the debts they had incurred as the price of their liberty, were torn by rival factions, and distracted by the petty jealousies of thirteen sovereign States—was ingrafted into their new government before they had learnt its strength and resources, distinctly marked its limitations, or tested its capacity for good or evil; and which again, after a few years' suspension of its existence, reviving, like a phœnix, from the ashes of national calamity, clothed with renewed strength, and endowed with mightier privileges, was forced upon their necks, under the pretence of expediency and necessity, in the midst of war and national calamity. When they resolved to destroy an institution so created in violation of the Constitution, and after long experience and repeated trials of its dangerous tendencies, it was not the mere paper charter—the parchment roll filed away among the records of legislation—which they wished to have annihilated; nor was it the types and machinery by which paper is manufactured into money which were the objects of their hostility; none of these things could call forth those deep feelings of opposition and repugnance which the people have manifested for more than half a century, and which, growing stronger and stronger by every day's experience, have at length become fixed in a solemn resolution to risk every consideration in the unflinching resolution to confine all money corporations to their legitimate sphere of promoting commercial utility alone.*

* Minutes of the Assembly, March 21, 1785. Petitions from a considerable number of the inhabitants of Chester county were read, representing that the bank at *Philadelphia* had fatal effects upon the community: that whilst men are enabled, by means of the bank, to receive near three times the rate of common interest, and at the same time receive their money at very short warning, whenever they have occasion for it, it will be impossible for the husbandman or mechanic to borrow on the former terms of legal interest and distant payments of the principal; that the best security will not enable the person to borrow; that experience clearly demonstrates the mischievous consequences of this institution to the fair trader; that impostors have been enabled to support themselves in a fictitious credit, by means of a temporary punctuality at the bank, until they have drawn in their honest neighbors to trust them with their property, or to pledge their credit as sureties, and have been finally involved in ruin and distress; that they have repeatedly seen the stopping of discounts at the bank operate on the trading part of the community with a degree of violence scarcely inferior to that of a stagnation of blood in the human body, hurrying the wretched merchant who hath debts to pay into the hands of griping usurers; that the directors of the bank may give such preference in trade, by advances of money to their particular parties, as to destroy that equality which ought to prevail in a commercial country; that paper money has often proved beneficial to the State, but the bank forbids it, and the people must acquiesce; therefore, and in order to restore public confidence and private security, they pray that a bill may be brought in and passed into a law, for repealing the law for incorporating the bank.

March 23. The report of the committee, read March 25th, on the petitions from the counties of *Chester* and *Berks*, and the city of *Philadelphia* and its vicinity, praying the act of the Assembly whereby the bank was established at Philadelphia may be repealed, was read the second time, as follows, viz:

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To suppose that a reflecting, self-governing people can be influenced by personal hostilities or partialities in such a contest—to imagine that the sympathies of a mighty nation can be roused and put forth by any visible, outward object, seen and known by one only in ten thousand, is utterly to mistake the true character of mankind, and the secret sources of popular omnipotence. It is only as a sign, a symbol of some invisible power, that any external object can exert a controlling influence over the public mind. Who regards with more than idle curiosity the painted bunting hung out to allure the multitude to some race-field or juggler's show? But convert the idle streamer into the banner of a nation—symbolling and presenting mysteriously, as it were, to the bodily eye, the sanctity of law, the blessings of peace, the consolations of religion, and the endearments of home—and it at once exerts a thrilling power over the heart of every human being who owns a country. When all Paris rolled forth like a flood, and wave after wave beat against the sides of the Bastile until it fell, can any one be so ignorant of the secret springs of human action as to imagine that it was the granite walls, or the few miserable wretches immured within their dungeons, that shot such maniac fury through the heart of a phrenzied multitude, and endowed them with the instinct, the guidance, and the resistless force, of an omnipotent being. It was a consciousness deeper than thought, that there, in those dark, antique turrets,

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The committee to whom was referred the petitions concerning the bank established in Philadelphia, and who were instructed to inquire whether the said bank be compatible with the public safety and that equality which ought ever to prevail between the individuals of a republic, beg leave to report:

That it is the opinion of this committee that the said bank, as at present established, is incompatible with the public safety; that, in the present state of our trade, the said bank has a direct tendency to banish a great part of the specie from the country, so as to produce a scarcity of money, and to collect into the hands of the stockholders of the said bank almost the whole of the money which remains among us; that the accumulations of enormous wealth in the hands of a society who claim perpetual duration will, necessarily, produce a degree of influence and power which cannot be entrusted in the hands of any set of men whatsoever, without endangering the public safety; that the said bank, in its corporate capacity, is empowered to hold estates to the amount of ten millions of dollars, and, by the tenor of the present charter, is to exist for ever, without being obliged to yield any emolument to the Government, or to be at all dependent upon it; that the great profits of the bank which will daily increase as money grows scarce, and which already far exceed the profits of European banks, have tempted foreigners to vest their money in this bank, and thus to draw from us large sums for interest.

That foreigners will doubtless be more and more induced to become stockholders, until the time may arrive when this enormous engine of power may become subject to foreign influence; this country may be agitated with the politics of European courts, and the good people of America be reduced once more into a state of subordination and dependence upon some one or other of the European powers. That, at best, if it were even confined to the hands of Americans, it would be totally destructive of that equality which ought to prevail in a republic. We have nothing in our free and equal Government capable of balancing the influence which this bank must create, and we see nothing which, in the course of a few years, can prevent the directors of the bank from governing Pennsylvania. Already we have felt its influence indirectly interfering in the measures of Legislature. Already the House of Assembly, the representatives of the people, have been threatened that the credit of our paper currency will be blasted by the bank; and if this growing evil continues, we fear the time is not very distant when the bank will be able to dictate to the Legislature what laws to pass and what to forbear.

Your committee, therefore, beg leave further to report the following resolution to be adopted by the house, viz:

Resolved, That a committee be appointed to bring in a bill to repeal the act of Assembly passed the first day of April, 1782, entitled "An act to incorporate the subscribers to the Bank of North America," and also to repeal one other act of Assembly passed the 18th of March, 1782, entitled "An act for preventing and punishing the counterfeiting of the common seal, bank bills, and bank notes of the president, directors, and company of the Bank of North America, and for other purposes therein mentioned."

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were embodied the tyranny, oppression, and despotism which, growing up age after age, and piling tower upon tower, was then frowning in sad wrath from its lofty battlements, upon an enslaved, down-trodden people, and scowling defiance in their pallid, hunger-bitten faces, every hour of their toilsome and degraded existence.

It was this consciousness, deep-stirring in their bosoms, that set the long-sleeping masses in motion, and sent them welling and billowing against that which was a more complete emblem of tyranny than the poor imbecile Louis, who bore the name of Majesty. In like manner, it was not the parchment of privileges, the impenetrable walls of a marble palace, or the old De Launay, royal superintendent, and his Swiss guards who dwelt therein, that roused the indignation of the people against our American bastile. It was a mightier cause of action—a secret, all-pervading, overshadowing influence, corrupting their agents and sapping their liberties; of which sweeping, overwhelming power that institution was the sign, the symbol, the thinking-head and controlling will.

The Constitution, after a perilous time of disorder and national prostration, was adopted by the people of the States for their common defence and general welfare; and the Government organized under it had been in operation now some forty years, but was perverted in the beginning from its legitimate purposes. That class of men who would live by their wits on the labor of others; who would be clothed with purple and fine linen, and fare sumptuously every day at the expense of the toil and sweat of the poor man's brow; who practise the principles of Cataline, *alieni avidus sui profusus*—the system of Diddler in the farce, "living any way and well, at any body's expense;" who hung like a dark cloud of croaking, ill-boding ravens on the skirts of our suffering, bleeding armies, defrauding the soldiers, succoring the enemy, and in the hour of triumph, soulless wretches as they were, crying beef! beef! while a patriot camp was wringing with the shouts of victory and independence; ever clamorous for office, scrambling for the merest crumbs of patronage; that class of men, the perennial growth of every clime and every age, seized on the Government in the beginning of its operations, and endeavored to convert it into a machine for funding, banking, and speculating, not only in the national domain, in Indian wars, treaties, annuities, and Indian lands; but such was their cormorant appetite, that not even the claims of the poor invalid and pensioner, the claims of the toil-worn soldier, which he asked in exchange for his youth, health, fortune, and blood, spent in defence of his country, could escape their rapacious hands. While robbing the poor, and plundering the nation, ever fruitful in expedients, skilful in devices, growing bold with success, and audacious in impunity, they at length assumed omnipotent powers for a government which the people had ordained for limited and specified purposes, and commenced a system of unequal and unjust taxation, beneficial to themselves, but burthensome to the people—a system of taxation, not for revenue, not for the legitimate wants of a Government economically administered, but avowedly for the purpose of fostering and protecting the interests of a few sections and classes of men at the expense of the entire nation. The vast funds, thus accumulated beyond the just wants of Government, were wielded as a kind of magic wand, to sway and influence the opinions of the people, corrupt their principles, change their love of liberty into a thirst for gain, and to bribe them into submission and a right loyal allegiance, by appealing to their hopes, and exciting the expectation that they would obtain a portion of those rich spoils, the fruits of their prostitution and abandonment of principle; but which were at length, by selfish and fraudulent combinations, expended on some road, or canal, or river, or creek, or harbour, not for the common defence and general welfare, but for the immediate and only benefit of those concerned in the speculation. This stupendous system of partial legislation, of fraud and peculation, was checked by the Executive veto on the bill providing for the Maysville road; but it still survives, and, Proteus-like, lives in a thousand shapes, costing the nation, to this day, an annual expenditure of some ten or twelve millions. In tracing the history of our national legislation, it will be observed that the limitations of the Constitution, and the common good of the whole Union, have been rarely considered

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in the adoption of any measure. And with few exceptions, the same observation is true in regard to the Legislatures of the States. To go no further back than seven years, the date of the veto on the bank bill, what has been their employment since that period? Look at their statute books; they are crowded with enactments to alter, amend, enlarge, and create bank charters, banking companies, monopolies, and corporations, for every conceivable purpose within the scope of human enterprise, and even of human imagination. To foster these schemes, to furnish a *pabulum* for these banks, canals, turnpikes, and railroads to feed upon, the credit of the States have been brought into requisition, and the people, in a new form, saddled with a national debt of more than *one hundred and seventy millions.* The banks, thus sustained on the credit of the people, live only by making a lottery of their fortunes, and plundering them of their property. The thousand petty schemes of internal improvement, forced into being by a prodigal expenditure of the public resources, are, with rare exceptions, local and sectional in their character; giving no stimulus to agriculture or enterprise; gotten up for the benefit of corporations and individuals, many of them altogether useless, and all put together, are not able to pay the interest on the money expended in their execution.

While the Legislatures of the States have never lifted themselves up to a comprehensive view of the wants and interests of the whole; never ventured to hazard on some noble enterprise for education and commerce, the little modicum of popularity by which they held their places, ever scrambling for a distribution of the crumbs; intriguing and mousing over their petty, selfish schemes of individual advantage; while thus wasting the resources of the State, and poorly consulting the common weal, all power has been gradually sliding from their hands, and falling into the possession of those corporate institutions which they, from year to year, had created. Where are our men of talents, of wealth, of experience in affairs—men of influence, ambitious of power and distinction? Look at your railroad companies, canal companies, turnpike companies, and banking institutions; there you will find them, presidents, cashiers, treasurers, or directors; men who have been eminent in the councils of the nation, members of Congress, of the Executive cabinet, and senators, are retiring from those exalted stations, and seeking with avidity the offices in the gift of corporate institutions. And wherefore? "Wheresoever the carcase is, there will the eagles be gathered together." Ambitious men seek those stations, because they well know that in them is concentrated the true, substantial power and patronage of the country; that in them is lodged the power behind the throne, greater than the throne itself; that they are the steam engines that put all the wheels of Government in motion, and draw along after them the entire train of legislation. Nine hundred banks—the number is scarcely less—with as many thousand officers, three or four hundred thousand stockholders, near seven hundred thousand debtors, wielding a capital of four hundred millions, a discount loan of five hundred millions; possessing the sovereign prerogative of elevating or debasing at pleasure the currency of the country; controlling a State funded debt of one hundred and seventy millions, and the stocks, funds, and debts of an innumerable host of joint-stock companies, which, together with the banks, constitute an organized, consolidated, well-disciplined Macedonian phalanx, thoroughly imbued with aristocratic ideas of the nobility of money and the degradation of labor; holding that wealth is a virtue, and poverty a crime, monopolizing all the lands, capital, trade, and commerce of the country; marching boldly forward under the direction of influential, wealthy, talented, and ambitious men; openly aspiring to legislative and governmental control; crowding our national Assembly and State Legislatures with hired and unprincipled orators; corrupting the people in their primary assemblies at the polls and the ballot-box, and recklessly pressing forward to the ultimate overthrow of equal representation, and the establishment of what they designate *a mild aristocracy*—the open and avowed enemy of Democratic principles. And well have they succeeded in the accomplishment of their purposes. The constitutional form of legislation is an idle mockery; the people may go through the solemn ceremony of electing men to represent them in Congress and the Legisla-

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tures, but so soon as men arrive on the theatre of action, they universally imbibe the opinions, and fall into the current of feeling most fashionable around them. They soon learn to think that the interests of the banks and of the people are the same: "touch the banks, you touch the people;" they are not long in discovering that the directors and financiers of moneyed corporations are wiser than they are, or their constituents, and that whatever schemes they may desire or recommend must be implicitly adopted. Not to speak of the direct influence brought to bear on their hopes and fears—their expectations of some future good or evil resulting from the tremendous moneyed power of the banks—their personal feelings of pride and vanity are appealed to; and really honest, unsuspecting men, yielding to the attentions and blandishments of those who know so well how to use them, and anxiously seeking to gain the smiles and approbation of those whom they have the weakness to suppose would reflect honor on their acquaintance, soon find themselves the followers and liege subjects of associated wealth. Should these appliances fail, which seldom happens, the more potent weapons of ridicule and denunciation are resorted to; the keen sarcasm, and cutting wit of the pensioned orators, and hireling presses, seldom fail to drive all but the stern uncompromising friends of liberty into silence or neutrality; so that when any question of vital importance comes up, in which the interests of associated wealth and the interests of the people are at issue, the latter have never failed to be found in a hopeless minority.

Events had been steadily and surely advancing to this crisis for more than forty years. Forgetting that eternal vigilance is the price of liberty; imagining that their forefathers had accomplished every thing in ordaining a Constitution of specified powers, and vainly dreaming that all power was vested in themselves; the people at length woke up to a sense of their true condition, and found that their creatures had become omnipotent—that the reins of government had glided from their own hands, and fallen into the possession of an exclusive privileged order; who, without regard to the limitations of the Constitution, or a pretence to the common defence and general welfare, were creating monopolies, immunities and privileges for themselves, engines of oppression, burthensome taxes, and enormous national debts for the people.

They resolved to strike once more for independence. With an unerring instinct and sagacity peculiar to an incensed and outraged people; they struck at the centre of this unholy combination—the sun of the system around which all the lesser luminaries revolved, and from which they drew their light and heat, and the principles of vitality; they struck their first blow at the Bank of the United States, the main pillar of strength to the allied forces; their high tower of defence into which they retreated in the hour of distress for council and succor, and whence went forth the signal for the rally or the onset; they first resolved on the destruction of that 'Mother of Jacobins,' who could call to her aid a thousand affiliated and kindred institutions, living on the *pabulum* she furnished; owing their existence to her will and forbearance; thinking, feeling, and acting as she thought, felt, and acted; smiling when she smiled, frowning when she frowned; they resolved to crush this vast corporation. In a word, they resolved to level and raze to the earth that which was the sign and symbol of an unseen, overwhelming power which had perverted their Constitution, corrupted their agents, and destroyed their liberties—the bastile of Republican American usurpation, oppression and tyranny. When the decree went forth, pronounced by the Hero of the Iron Nerve, that the Bank of the United States, after the expiration of its present charter, should not be renewed; when that decree was sanctioned and sustained by a virtuous and patriotic people, resolved to restore their wounded and down-trodden Constitution, then commenced the *Second War of the Revolution.* The second war of revolution, only bloodless as yet, because the largesses, open bribery, violence, and excesses, practised in New York, New Jersey, and Pennsylvania, could not provoke an honest, self-possessed, and resolute people into similar practices, riots, and excesses—and because a sufficient number of hired myrmidons

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could not be procured to fire on their countrymen, and protect, and cover up and conceal the fraud, corruption and profligacy which had been practised at Harrisburg.

Seven long years have we been involved in this war of revolution, and have not yet approached the beginning of the end.

Seven years have nearly elapsed; during that long period many have fallen in the conflict—many passed from the scene of action; many leaders and whole masses of men have changed their position, altered their relations to each other—the old landmarks have been obliterated—darkness has come over the path of the people—the dear objects of their pursuit seem to have eluded them at every step, and they are, apparently, no nearer their attainment than when they first began. Confused and dispirited, they have been meeting in their primary assemblies, and in conventions, to consult and advise together—to determine, if they can, how far they have advanced in this warfare for independence; when they may hope to reach the end; who are their faithful friends, trust-worthy guides, good men and true, in whom they might safely confide their destinies? They have been crying to the wardens on the wall—*watchman, what of the night!*—and to the pilot and the helmsman, look out upon the stars, take the aspect of the heavens, and tell us whither we are drifting, where are the shoals and the breakers, and from what quarter is the storm approaching. At this critical and trying moment, it is our purpose to perform the part of faithful sentinels. Placed as a watchman upon the walls, we shall blow the trumpet and warn the people. We shall tell them, as it becometh us, in all plainness and sincerity, the errors of their past course—the dangers which now beset them, and the means of escape; so that, if they heed not the warning, and perish by the sword, their blood will not be required at the watchman's hand.

When the revenues of the people were taken from the Bank of the United States, where they were used for battering down the constitution and the laws, were placed in other depositories, and the whole subject thus brought within reach of legislation, then was the time for the Representatives of the people, in Congress assembled, to have matured some plan for the future collection, safe keeping, and disbursement of the same—some permanent, well-digested plan, which should regard the welfare of the community, and not the interests of a few classes of men—which should separate the Government from all extraneous influence, and place it on the broad principles of equality and justice embodied in the constitution, and which would esteem the moral and political integrity, and the liberties of the people, of infinitly more value than the vain attempt to regulate exchanges and currency by govermental machinery. Few, however, at that time seemed to comprehend the true question before the country. Many honest, sincere friends of the people, circumscribed in their vision, really imagined it was only a crusade against the Bank of the United States; and that when the overthrow of that institution was accomplished, the controversy would be at an end, not dreaming it was a death struggle for power and supremacy, an effort on the part of the people to regain their lost independence, to restore to its natural and constitutional owners that power which an unjust, partial, and unwise legislation had thrown into the hands of corporations, monopolies and speculators, into the hands of a monied aristocracy, *a republican oligarchy* to which the Bank of the United States was the nucleus of attraction, the thinking-head and controlling will. The true friends of reform, while ignorant of the character and extent of the evil to be remedied, were laboring under a fatal delusion which prevented them from adopting those wise measures demanded by the crisis of the times. Taught only in the school of bank financiers, they were led to believe that the interests of commerce and trade would be greatly promoted by permitting the public revenue to be used by banks, as a fund to operate on in the same manner as though it were their own capital. Such had been the practice of the United States Bank, and all the local banks, and such were the doctrines so zealously inculcated by their friends, that use and custom, and the uncontradicted dogmas of bank emissaries, had at length impressed the minds of honest men with the idea, that there was a sort of propriety, if not ne-

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cessity, in a connection of Bank and State in some form—not knowing that credit, which they were so anxious to promote and protect, when based on sound capital and the actual products of the country, possesses an elasticity and expansibility capable of meeting any increased operations of business, and adequate to every sudden emergency in commercial vicissitudes, they yielded to the clamor of bank friends, and thereby sacrificed the only measure of reform by which the people were to be benefitted.

The local banks, on the other hand, and their numerous friends, never co-operated in the destruction of the United States Bank, with an honest intention of promoting the great constitutional reform on which the people had entered. They looked only to the political advantages accruing to themselves, and to the spoils of victory. They had been restricted in their operations, checked and thwarted in all their plans, and kept in a state of vassalage by the overshadowing influence of that national institution. They clearly foresaw that if the Bank of the United States were once removed, they would, by an easy and natural combination, control the entire legislation of the country; and realise vast sums of money by an unlimited trade on the commerce, public lands, and credit of the Union. Possessing all power in their respective States, they could not brook opposition, and easily grasped at the proffered means of casting off restraint, and expanding their own fortunes. Hence their hostility and zealous co-operation against the Bank of the United States. Their motives cannot be mistaken. Never intending to surrender any of their dominion and power over the fortunes and liberties of the people, they only desired to clip the aspiring wing of one who soared above the rest. It was a sort of Runnymede agreement among the rag barons, that no one of the fraternity should be monarch over the others—a quarrel of the robbers against their brigand chief for assuming more authority than is justly due to him—a quarrel which would soon be healed when the band itself is endangered, or new spoils are to be obtained. When therefore we consider the friends of the United States Bank, who well nigh constituted a majority of the whole Congress, the friends of the State banks who entered into the crusade merely for their own private gains, and the friends of reform who were laboring under a delusion, it will not be surprising that so few comprehended the true crisis of affairs; and that no sound measures were proposed or adopted. What more could be expected of a body composed of such materials, than panic speeches, agitation, and a vile scramble among the rival interests for a portion of the spoils.

The wise plan of ultimately producing the reformation desired by the people—of finally separating the Government from the banks, by causing them to withdraw their small notes, reduce their circulation, and fill up the channels of trade with gold and silver, so that the divorce might take place without any injury to themselves, or any shock to the business of the country, was talked of, highly praised, held up to public view as the most salutary and important reform ever proposed, but it was never digested into any definite form, or introduced for legislation. It was promised by a distinguished senator from Virginia; he pledged himself to its performance, and the hopes of the country for a time hung on his movements. But he never redeemed his promise. And whether he was deterred by a modest diffidence of his own powers, or a dread of the overwhelming majority then arrayed against him, or whether he himself was drawn in, and engulphed by the mighty maelstrom of bank influence which swept every thing along in its dashing and whirling eddies, is no longer a doubtful question.

For two years and a half nothing was done. From December 1833, to June 1836, the banks were under no legislative restraint whatsoever, and were left to run wild in their excesses. That portion of the monied oligarchy, who for their own purpose desired an overthrow of the United States Bank, having gained their end, went to work in their respective States to multiply their local institutions, and increase their facilities for stockjobbing, borrowing, speculating in petty schemes of internal improvement, and plundering the people. The friends of the United States Bank differing from them in no one principle whatsoever, having lost their favorite insti-

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tution, and feeling a common interest in preserving all power in the hands of the oligarchy, naturally co-operated with them in all their schemes, and gave them a decided majority in almost every legislature in the Union. By their joint operation the number of banks was more than doubled in the space of time we are now speaking of, and nearly *nine hundred* manufactories of paper money were set in motion, pouring forth their rags, really as worthless as when first cast off by the beggars in the street; but endowed with the magic name of *money*, they came forth "thick as autumnal leaves in Valombrosa," a perfect shower, not genial like the vernal rains, but blasting and ruinous, potent only for evil. It was impossible to have employed profitably in the legitimate business of the country, real gold and silver, equal in nominal value to those spurious issues of paper money. Trade and commerce are regulated by uniform and invariable laws. They require a circulating medium, bearing only a small ratio to the actual productions of the country; and if, by any unforeseen cause, those productions should increase beyond the currency necessary to exchange them, they would furnish a basis whereon to rear a credit sufficient to meet the increased demand for money. A sound and healthy action of domestic trade, and a wise increase of foreign commerce, had no part in producing that flood of paper issues by which the land was deluged. The monied oligarchy would not have been laboring in their vocation had they consulted the common weal—the permanent solid good of all the people in the measures they adopted. Their object was to get the public lands in exchange for their paper—to stimulate speculation—drive commerce beyond its wants and its means—to intoxicate the people with the idea of boundless prosperity—to make them reckless and extravagant, so that their property, in the end, their improvements, and their liberties, also, might fall a prey into the hands of those who had wickedly drawn them into the snare. Almost the entire public domain, amounting to townships, dukedoms, and principalities, fell into their hands—foreign trade was involved in a debt of *thirty millions* beyond its resources, and as a legitimate consequence, an enormous surplus revenue was accumulated far beyond the most extravagant demands of Government. Hence there arose another difficulty. What shall be done with the surplus? We have not only to regulate by law the connection between Bank and State, but we have to dispose of the overflowing revenues naturally resulting from that alliance.

Both of these difficulties were solved, to the satisfaction of the monied oligarchy, by the act of the 23rd June, 1836. That law was the work of their own hands, and devised for their own benefit. By it, a perpetual union of Bank and State was solemnized; an indiscriminate reception of their paper issues was authorized; a more equal distribution of the benefits arising from the use of the public funds was made among the entire fraternity of paper coiners; and a precedent was established by which the annual surplus should be distributed among the States, there to be used a second time for their benefit. No schemes could, apparently, be more happily devised to promote the ends of the monied oligarchy—the embezzlement of the fortunes and the subversion of the liberties of the people. But, by a kind Providence, who has ever watched over the destinies of our Republic, their chosen instrument was made the means of producing their own overthrow—of catching them in their own snare—entrapping them in their own craftiness. The act of 1836, instead of advancing the welfare of the banks, was the chief cause of the disasters which subsequently befel them. But before we proceed to a consideration of that branch of the subject, let us dwell for a moment on the extraordinary precedent of distributing the surplus revenue among the States, under pretence of a deposite for safe keeping.

That measure, more than any thing else, displays the true character and design of those who, from the beginning, have controlled the operations of our Government. A proposition for distributing the proceeds of the public lands, and also the surplus revenue among the States, had repeatedly failed. Few were prepared openly to avow a principle, whose tendency was to destroy the independence of the States bind them as pensioned provinces to a central government of unlimited

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powers, and to blot out every feature of popular supremacy traced in the Constitution. But when the same principle was introduced in a covert and insidious way, it was immediately adopted by an overwhelming majority; and that which men would not directly attempt, was thus indirectly accomplished. The liberties of the people cannot be safe, when, by indirect legislation—a distinctly recognized violation of the Constitution—a precedent is established of such evil omen. The dangerous consequences of that measure are yet to be seen; they are to burst forth in full vigor at some future day. Be it remembered that the States, under the guidance of the monied oligarchy, are plunged into the wildest schemes of internal improvement. Jealous of each other's prosperity, rivaling one another in efforts to draw the trade and commerce of the country through their own channels, they have undertaken gigantic enterprises, and pledged the credit of the people for sums of money which would have startled the Congress of the whole Union a few years since. States, whose revenues are barely sufficient to carry on the operations of an economical government, are borrowing enormous sums, to be expended by speculators and improvement mongers, on thriftless schemes which can never be of any advantage to the people. Already have *eighteen*, out of *six-and-twenty*, involved themselves in a debt of *one hundred and seventy millions*. That debt is annually and rapidly increasing; and all the works put together, on which the money has been expended have not, and never will have, a revenue sufficient to pay the accruing interest. The monied oligarchy, who have involved the country in these embarrassments, and placed themselves in a delicate position before the public, have but two alternatives whereby to extricate the community, and save themselves from the denunciations of the people. The one is, a resort to direct taxation; the other, *to the surplus revenues of the United States*. The first alternative they will never adopt, so long as it can possibly be avoided. They know very well that while they do not resort directly to the pockets of the people, they can cheat them, delude them, or oppress them, to their heart's content, and they will never detect the cause. But an open demand upon the purse-strings, an actual withdrawal of the taxes from the hands of the people, awakens their attention; it sets them to prying and examining into things. They will want to know for what purposes their money is abstracted from them. Such an inquisitive disposition would not at all suit the taste of the monied oligarchy, who know they could not give a just account of their stewardship. Direct taxation, therefore, is not to be thought of; the other alternative is the only one left, and, happily for all the schemes of the oligarchy, the very best that could be devised. A large surplus revenue, arising from the sales of public lands and the duties on foreign importations, can only be obtained by a connection of the Government with the banks, and an indiscriminate reception of their paper issues in payment of the public dues. *Then*, besides the entire force of the oligarchy, wielding all the monied resources of the country, as we have shown, and pressing the necessity of this Union, if we consider for a moment the tremendous auxiliary forces they have in those who are interested in the thousand petty schemes of internal improvement in all the six-and-twenty States. Here is an honest, well-meaning man, from some remote section, sitting in the Legislature of his State. Catching the mania for improvement, he has a little scheme of his own, by which he hopes to benefit his constituents, increase his own popularity, and retain his seat in the public councils. His mind is wholly intent upon that; he thinks of nothing else; and is willing to resort to any honorable means to gain friends and votes for his favorite enterprise. But he is told that the resources and the credit of the State have been exhausted; that a resort to direct taxation would blow up their schemes and themselves at once; and that the only hope of success is to obtain a surplus revenue from the Federal Government. As the precedent of distribution has already been set, we have nothing to do but obtain the surplus, which might readily be had, could those radicals be once put down, and the Government permitted to go on in its usual course. Could the public dues be paid in such bank notes as the people receive, and again deposited in the banks, to be loaned out to speculators in public lands, and dealers in foreign

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commerce, we would soon have a revenue for distribution, sufficient to accomplish all our purposes; to pay the State debt, which has become a serious matter, and to complete all our schemes of improvement. Yielding to the plausibility of an argument which solves so many perplexing difficulties, and only suggests that things be permitted to go on in their usual course, a really honest man, and through him his constituents, who would not directly do any thing to jeopard the institutions of their country, are made indirectly to favor schemes whose inevitable results must be to bring down the States in vassalage to a central power, and finally to subvert the liberties of the people. This conflict, therefore, between the people and their rulers—the monied oligarchy—the revolution, so far from being at an end, so far from being accomplished, has only begun. We are now enjoying a short armistice—living in a kind of armed neutrality; but when the shout for the rally and the onset is again heard, we shall find a host of auxiliaries, we little dreamed of, arrayed against the people. Many from among themselves, whose feelings and principles are the same with their own, led astray by the petty interests of the moment, and duped by the plausible insinuations of the oligarchy, will, in the next contest, be found arrayed against them. With earnestness, therefore, and sincerity, we warn the people, and tell them not to be deceived. The final conflict has yet to come; the shock of the allied forces has still to be met; the Waterloo field has yet to be fought. It was only deferred by the catastrophe which has recently befallen the banks—a catastrophe brought on them by their own friends; but ordained and overruled by kind Providence, as the means of opening the eyes of the people, alarming them at their perilous condition, and preparing them with more earnestness and resolution to enter into the coming battle.

The monied oligarchy having succeeded beyond their most sanguine expectations, and overflowing with the ideal wealth poured into their laps by the credit and resources of the Government, became more avaricious than ever; and, in endeavouring to divide more equally among themselves the spoils of victory, overacted their parts; brought a great calamity upon the country; exposed the unsoundness of their doctrines, and the hollowness of that imaginary prosperity with which they had cheated and deluded the people. No proposition in political economy can be clearer than this: that the act of June, 1836, was the immediate and prime cause of the calamities which subsequently befel the banks in 1837. A few plain principles in connection with the history of these transactions will place the proposition beyond controversy.

Currency, like water, is always seeking its level—tending perpetually to a common centre. As the little rivulets that bubble up among the hills flow into each other, increasing and expanding as they go onward, until they pour their tributary streams into the great ocean of waters, so does currency in like manner, originating in small quantities in the remote and interior sections of the country, flow onward, increasing as it advances, until it finally falls into the great currents which are perpetually revolving around the emporiums of trade and commerce. Where all the agricultural productions of the country are accumulated, or their values exchanged for the manufactured articles and imported goods that may be consumed, there the greatest quantity of currency is needed, not only as a standard of value, but as the means of regulating the exchanges, and of liquidating the numerous balances which daily occur in every transaction. Hence a circulating medium is required in very small proportions in the interior of the country. It is always tending towards the great mart of trade; and any attempt to disturb this uniform course would be as destructive in its consequences as a violation committed on the laws of physical nature.

An attempt to force water up stream would not be more disastrous than a similar attempt to force the currency backward in its channels. The soundest circulating medium and credit, based on the actual capital and productions of the country, when turned aside from their natural course, and disturbed in their accustomed revolutions through the emporiums of trade, would, from the very laws that govern them, fall into irregularities and embarrassment. How much more necessarily must those

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consequences have followed the actual condition of those two main springs of national prosperity at the time of the act now under consideration? In June, 1836, some twenty-five or thirty banks had in their possession, on deposite, more than *thirty-three* millions of public funds. This money, and private deposites, and their own capital, together with their credit, so far as it could be extended, were all loaned out to individuals and companies engaged in speculations in public lands, private lands, lots, improvements, stocks—on enterprises doubtful in their character, and depending on remote contingencies for a profitable return of the investment; so that the banks, in case of an emergency, contrary to the laws of sound banking, could scarcely command a dollar of their resources. All the other banks in the Union followed their example. Public officers also loaned out the funds in their possession, or employed them in their own private speculations. They could not perceive why that privilege should be allowed the banks and not to themselves. The only expectation the banks had of finally returning the public funds was founded on a fortunate result of the speculations in which their debtors were engaged, and on their own nominal and spurious capital. The public officers had their own private fortunes, the fortunes of their securities, and in like manner the fortunate results of the speculations in which they or their borrowers had engaged. And if the same rigid exactions were made of the one as of the other, the chances are in favor of the public officer, that he would pay a larger *per cent.* than the banks, on the public funds in their possession. At any rate, it is very natural that he should think so. And as there was no rule of justice by which the bank monopolist should enjoy such advantages over the individual; and as there was no law prohibiting him from using the public funds, he followed the example that had been set him; and, along with all the rest of the world, plunged into every kind of speculation. A universal system of credit, from the reckless man of enterprise down to the day laborer, was created on the facilities furnished by the banks. And they thought themselves enabled to do so, in consequence of their connection with the Government, and their possession of the national resources. Every body was dealing on the credit of the banks, and the banks on the credit of the Government. It is obvious, therefore, that the very existence of this gossamer work depended on an undisturbed continuance of the existing relations between the parties. But many of the Banking interest were not contented with the existing state of things. A few only of the fraternity enjoyed a monopoly that was designed for the whole. 'We should never have joined,' said they, 'in a crusade against the Bank of the United States, could we have anticipated such results. We cannot be satisfied with any thing less than an equal distribution of the spoils.' An equal distribution was, therefore, agreed upon.

An act was passed, requiring "*that at least one (deposite bank) shall be selected in each State and Territory; and that the Secretary of the Treasury shall not suffer to remain in any deposite bank an amount of public moneys more than equal to three-fourths of the amount of its capital stock actually paid in; the Secretary was also required to see that the banks kept in their vaults such an amount of specie as shall be, in his opinion, necessary to render the said banks safe depositories of the public moneys.*"

The operation of such provisions, which were intended, in the language of the act, "*for purposes of equalization,*" must be obvious to the commonest observer. To take the funds out of the natural channels of trade, where they had been accumulated, and distribute them among eight-and-twenty States and Territories; to compel the banks to divide some *forty millions* of money among *three-times* the number of depositories; and to force them to check and draft on each other for the amount of specie that might be considered safe by the Secretary of the Treasury, were operations of such severity as to test the strength of the soundest institutions, and to derange the best condition of the currency. If the mere transfer of three or four millions, from the Bank of the United States to other depositories on the opposite side of the street, was sufficient to produce the panic, the distress, and the disasters of 1834, how much more ruinous must have been the consequences of the law now

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under consideration? Out of their own mouths, therefore, we condemn them. But this was not all. The banks had to go through the ordeal, above described, from June to January, 1837. After that period they were required, within the space of *nine months*, to distribute *thirty-seven millions* of dollars among all the States of the Union; and, within *two-thirds* of that time, they actually distributed *twenty-eight millions*. This vast sum, which had been loaned to individuals, and had found its way into all the channels and ramifications of trade, was now suddenly to be withdrawn and scattered to the four winds. This fund, so far as it might be used as a means of adjusting the delicate relations between the banks and their numerous debtors, which it had been mainly used in creating, was to be totally annihilated. Indeed, annihilation, a bonfire of the paper, or a sinking of them in the ocean, would have been much better for the banks than the operation actually required. Boston, for example, was made to throw back into Maine, New Hampshire, and other places that trade with her, those funds which had accumulated there in the usual course of trade; she was required to create a debt against herself, and subject herself to drafts, and that for specie too, from regions which, in the natural course of business, ought to be indebted to her. In this way, contrary to every known law of currency, New York city alone was required to scatter *thirteen millions*, or more, into Vermont, Connecticut, Rhode Island, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee. But, notwithstanding that ruin was the inevitable consequence of so radical and disorganizing a law; and though the banks were forewarned to prepare for its operations, yet, taken as a whole, they never made any preparations, took no precautions whatsoever to arrest the evils or to blunt the force of the shock that was coming upon them. Instead of reducing their business, as prudence, honesty, and a just regard to the welfare of the country would have suggested, their line of discounts, and their issues, were actually greater in the spring of 1837, just before the suspension, than they were in the autumn preceding. While the laws of currency were totally deranged, and all the channels of business were billowing up from their deep foundations, the banks crowded all canvass, and madly pressed forward as though they were sailing on the bosom of a summer's sea, fanned by the breath of zephyrs.

How the monied oligarchy could have ever framed such a law, in the first instance—for they were alone concerned in it, with the exception of a few deluded friends of the people, who had been deceived by their doctrines—has always been a matter of astonishment to us. We never could account for them but on one principle, *that whom God designs to destroy, he first makes mad—quem Deus vult perdere, prius dementat*. Believing that he had designed to save our Republic, as an example and a guide to the world, we fondly trusted that he was about to adopt their own chosen means as the instrument to crush the enemy which had been cherished in its bosom, and to frighten away the vultures that had been feeding on its vitals. We had no commiseration, therefore, for the monied oligarchy, when, in 1837, they brought on themselves a train of calamities. And yet, indeed, they needed no commiseration. They had entire control over the legislation of the country, and knew very well how to use it in such way as to cast all the burthens of their own folly and madness on the shoulders of the people. Had they not been conscious of their power, they never would have exercised, as they did, the high prerogatives of sovereignty.

Some eight or nine hundred banks, having in their possession the currency of the country, resolved, by the common impulse and sympathy of interest, and with a simultaneous movement, to depreciate that currency—to debase it, in some instances, ten, some twenty, and some thirty *per cent.* below the constitutional standard of value. This high-handed act of usurpation and tyranny was no sooner committed than the State Legislatures were assembled to sanction and justify it. If penalties and forfeitures were to be incurred for this outrage on the rights of the people, or if any restrictions had been imposed on the operations of the banks in any of the States, those were the places in which the Legislatures met to suspend the penalties and forfeitures, remove the restrictions, make depreciated irredeemable bank paper

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a legal tender; to extend it through all the channels of trade, by adopting it in the minutest fractions of currency; to magnify the necessities which were beyond the control of the banks, and had forced them into their present position; and to praise their magnanimity and forbearance in shaving, and not crushing, the people. Good citizens of the United States, pause here for one moment, and reflect on the brief history of one year, extending from June, 1836, to June, 1837. Consider the dangerous and fatal precedent of distributing the surplus revenues among the States, as a means of corruption, a basis for increasing banking, and a rich boon to be scrambled after by the wild schemes of internal improvement. Consider how the public funds were scattered among the States and Territories, not with a regard to their safe-keeping and disbursement, but solely with regard to the avaricious demand of the banks. Consider the bold and reckless career of those institutions, in the midst of known and acknowledged dangers. Consider, when those dangers could no longer be avoided, with what perfect unanimity they resolved to defy all laws and penalties, violate their faith and obligations to the country, and rely on their own omnipotence for protection and justification. And consider, above all, the unanimous voice with which your representatives resolved to accept the proffered bribe; and with what alacrity they came together to praise, justify, and sustain all the subsequent acts of bank usurpation. Can any man reflect seriously on these things and be not satisfied that all power has departed from the people, and is lodged in the hands of a monied oligarchy? Then would he not be convinced, though one rose from the dead.

But the chronicle of their deeds is not yet complete. After debasing the currency, violating every legal or moral obligation binding upon them; and while calling together their liege subjects and willing friends to register such edicts as they might prescribe in the premises, they had the audacity to demand that the Federal Government also should continue to receive their depreciated paper, and retain the banks as the agents to collect, transfer, and disburse the national revenues. Entreaties, remonstrances, and, finally, threats of violence and revolution, were resorted to as means of intimidating the Executive, and forcing them to accept the immoral, fraudulent, and debasing terms of the oligarchy. The President pointed them to the Constitution, which recognised nothing but gold and silver as a legal tender; and to the laws, which would receive nothing but gold, and silver, or *their equivalent*, in payment of the public dues. But it was all in vain.

Men who regarded such obligations as mere cob-webs, to be brushed aside whenever they stood in the way of their interest or their advancement, could not conceive how others were so scrupulous in their observance. Their clamor and denunciation grew louder and louder. They even had the cunning and the adroitness to cast on the Executive the odium of their own acts. Having debased their paper below the constitutional standard, they thereby created two currencies—the better for the Government, and the baser for the people—and made the salaries of Government officers *ten or fifteen per cent.* more valuable than the same nominal amount received by the people. This odious distinction was charged on the President; he was charged with the design of ruining the people, and of fattening an army of office-holders on their misfortunes. Happily for the country, however, the President was possessed of a wisdom and a firmness which eminently fitted him for the crisis of the times. His duty was plain before him, and he steadily pursued it. He directed circulars to be sent to all the collectors, receivers, and disbursing officers, commanding that nothing but gold and silver, or its equivalent, shall be received in payment of public dues, or disbursed in payment of public creditors; and when Congress assembled in September, 1837, he recommended a total separation of bank and State—a complete divorce of Government from the embraces of the whole banking system.

This measure constitutes the second grand epoch in the History of the Revolution through which we are now passing. The high tower of the oligarchy, their bastile of strength, had been hurled to the earth. Their thinking-head and controlling will had been taken from them; but with the instinct of self-preservation they rallied

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on the thousand other corporations prepared to their hand, seized the reins of Government, and were well nigh overturning the institutions, and crushing the liberties of the people, when by one false move they stumbled and fell. At that critical juncture, at that providential period, the President of the United States, truly representing the feelings and the interests of the people, lifted up the constitutional standard, and called on all who loved their country to come to the rescue, and save it from destruction. Until this crisis in their affairs, the oligarchy had always been divided in their councils, and estranged from each other in their feelings. Those who had sustained the Bank of the United States were angry with that portion of the fraternity who joined in putting it down, in order to build up their own petty institutions, and to usurp that authority which properly belongs to a National Institution. The minor interests, on the other hand, were always jealous and suspicious, lest the greater should again wrest from them the power they felt themselves happy in having obtained; but the whole craft was now endangered. Recent events had opened the eyes of the people, and they showed a determination to bring back that power which, by the laws of nature, and by their own Constitution, was vested in them; but which, for nearly fifty years, had been lodged in the hands of associated wealth. In this state of things the oligarchy were not long in coming to their conclusions. They might quarrel with each other over the spoils in the hour of triumph and security, but a common danger from without would soon bring them together for mutual defence.

Differing in no principle whatever, and slightly only in the detail of their measures, the one advocating a United States Bank, the other a United States Banking System, the two wings of this great interest were resolved that their little rivalries for power and for interest should not be an obstacle in the way of a union against the common enemy. When the proposition, therefore, was made for a total divorce, all petty feuds were buried. Pilate and Herod made friends—entered into a close union—formed an alliance offensive and defensive, and have been ever since zealously coöperating to effect the same object—a re-union of the Government with the banking interest.

Notwithstanding the total failure of all their schemes; notwithstanding it was obvious as day that the operations of their own hand had brought the calamities upon them, yet the Conservative wing of the oligarchy insisted that the specie circular had done all the mischief; patched up another scheme of five and twenty banks, without doubt, embracing the old United States Bank, and urged that upon Congress for their adoption. They insisted that Government should take it in their embraces—place their confidence in it, and thereby restore confidence in the people. If the Government refused to do this, they declared it would shake the credit of the banks, and of bank paper; paralyze their ability to assist the energies of the people in recovering from the recent shock, and postpone indefinitely the possibility of resumption.

The Federal wing of the oligarchy, who in former years, when this scheme was opposed to their own, condemned and ridiculed it, were now loud in its praises, and recommended it as a panacea to heal the maladies of the country. The Representatives of the people, however, awoke from the lethargy of long years, refused to adopt any such system. Yet none of the predicted evils have come to pass. Many of the banks finding that the Executive resolutely persisted in adhering to the constitution and the laws, and steadily refused having any dealings with them or their debased currency; finding that their friends in Congress were not strong enough to force him from that position; and perceiving that public sentiment was rising against them, resolved immediately to fall back into their usual channels of business, and commence the curtailment and redemption of their paper issues. Mr. Biddle, however, entrenched himself behind his cotton bags, and declared that he would not resume until the Government abandoned its position. All the banks South and West of him, being entirely under his control, were compelled to follow his example. But he, at length yielding to the considerations of interest, resumed specie payments

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that he might consummate a favorable contract with the Government, which they refused to complete until his notes were made equivalent to specie, and his vaults a legal depository, by a resumption of specie payment. Again following his example, all the banks South and West attempted to resume. Now we call on the people to bear in mind the history of this transaction—to treasure it up as a precious truth to be of infinite service hereafter. *That by a steady adherence to the constitutional standard on the part of the Government, the banks have been compelled to come up to that standard.* Their obvious design was to force the Government down to their level; to constrain them, as they had done the States, to legalize bank paper, and to receive and pay it out to public creditors. Let us suppose, for a moment, they had succeeded in the accomplishment of their purposes. What would have been the consequences? In many of the Atlantic States bank paper was depreciated about *ten per cent.* In the South and West it was depreciated, in many instances, *five-and-twenty per cent.* If the Government then had consented to receive bank paper, a nominal payment of *one hundred dollars* in the Atlantic States would have amounted to *ninety dollars* when valued by the constitutional standard; a similar payment in the South and West, estimated in the same way, would have amounted to *seventy-five dollars*,—a loss in the one case of a *tenth*, and in the other, of *a fourth* of the entire revenue. Public creditors would have been paid in the same unequal proportions. Not to speak of the unconstitutionality and injustice of such a course, what effect would it have had on the morals and temper of the people? Every one would strive to make the best of such a state of things, and to derive from it all the advantages he could. There would be the strongest inducement to all the States to depreciate their currency as much as possible, seeing that all have been placed on the same level by the Government. The constitutional standard being lost sight of, and the banks no longer required to keep their issues within a certain ratio to the precious metals on hand, would pour forth their paper rags without stint, until one dollar in silver would be worth a hundred, then two hundred, then four, then five hundred, constantly sinking until finally the whole would come down a dead mass, and involve the honest farmers and laborers in utter ruin. Such were the consequences of excessive issues of continental money during the Revolution; and of assignats in France; and such would have been the consequences of the measures proposed and urged by the banks and their friends at the time of the suspension. *And to such a condition are they resolved at last to bring us.* At no period of pecuniary derangement and disaster, was the disproportion between bank issues and the specie for its redemption greater than at the present moment.

The banks are immersed in a debt of more than one hundred and ten millions of dollars abroad, which at a moment's notice may drain the country of all its specie on a demand of foreign capitalists. From a tabular statement of the returns of the local banks throughout the United States, received at the Treasury Department, for the period nearest January, 1839, it appears that the loans, discounts, and circulation of the banks there enumerated, exceeded the total amount of redemption specie by four hundred and seventy millions of dollars.

The necessary results are beginning to appear, banks are suspending and blowing up in every section of the Union. A sky-rocket at regular intervals is shot into the heavens as a signal of distress. Alarmed agitation pervades the whole fraternity, and at no distant period we may look for another panic and general prostration. But notwithstanding these threatening signs of the times, the *bank mania* is evidently on the increase. We daily hear from the State Legislatures, of new creations of banks, and enlargement of the capital of old ones, and the incorporation of internal improvement companies with banking privileges. A new impulse, a perfect steam-engine propulsion, has recently been given by the introduction of what is called the free banking system. Be it known that we are friendly to a free banking system based on specie and real capital, and confined strictly to trading and commercial purposes. But the free banking system now in fashion is the *monstrum horrendum* of this present Revolution, and is destined to play more havoc with the

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morals, fortunes, and liberties of the people, than the famed guillotine with the heads of men.

Judging of its spirit and final development from what has already been done, we may fairly infer that issues of this new invention will in a short time equal in nominal value the entire property, both personal and real, of the whole Union. Mortgages on real estate, negroes, and stocks, thereby embracing every kind of property, will be made the basis of banking operations; and every one fearing that his neighbor may derive more advantages from it than himself, will eagerly pledge his fortune, and press into the scheme, so that the people and the banks will be involved and entangled with each other in paper credits in some form or other, to the entire amount of property in the country. Now, when we consider that a circulating medium sufficient for all business purposes is only required to bear a certain ratio, *one-fifth* or *one-twentieth*, as some make it, to the *annual productions*—a currency such as ours is destined to be,—equaling in nominal value—not only the annual productions, but the entire property of the community, both personal and real, must sink down of its own weight; its enormous over proportions must crumble it in, and crush it into a mass of ruins. The whole circulation must become spurious and worthless—a world of promises without the intention or capacity of fulfilment—a bottomless gulf of falsehoods, in which all things, public and private, are doomed to sink and disappear. But do the original inventors of the falsehood, the cunning forger of the lies, suffer the smart of their detection and protest? Oh, no! Oh, no! that were some compensation, but far otherwise is the result. *Lies, and the burthen of evil, they bring are passed on, shifted from back to back, and from rank to rank—and so land ultimately on the hard labouring mass who with spade and mattock, with sore heart and empty wallet, daily come in contact with reality—and can pass the cheat no further.*

Then will the tyrant come, and, like another Neptune, will ride over the troubled billows, wave his omnipotent trident, bid the waters cease their commotions, roll back into the caves, and be hushed, and forever after will reign in undisputed sway with a rod of iron. Such will be the end of the Revolution, dimly shadowed forth because the reality has yet to come. But if the events do not fulfil our words, then say we are false prophets, and have not rightly warned the people; yet we are deeply impressed with a consciousness that the truth only has been delineated, and unless the people take heed in time, such must be their inevitable doom. If they will not heed our voice of warning, we pray them to learn wisdom from their own experience. Look back on the history of the oligarchy for the last fifty years, such as we have portrayed, it and such as we know it to have been, and what do we find? Repeated acts of violence on the constitution; a continued prostitution of the laws for selfish and fraudulent purposes—and a total perversion of Government to the oppression and ruin of the people, and the aggrandisement of themselves. Our fathers declared, even before the constitution was formed, that the principles and the favorite measures of the oligarchy "*were incompatible with the public safety, totally destructive of that equality which ought to prevail in a republic.*" The bitter experience of half a century has impressed upon us the truth of their anticipations, yet we linger! still hesitate to go forward and meet the lowering front of the enemy. Are you prepared then, sons of America! tamely to yield up the hereditary franchises of more than two centuries, and the birthright of your fathers, won by their blood and treasure. Are you prepared as degenerate sons to receive the chains which are forging for you? To bow in willing submission to the yoke inimical interests are about to bind upon your necks. If your hearts have not been tamed by long years of usurpation, and your spirits enervated by the degeneracy of the times; if you still love liberty, and the blessings of independence, and are willing to lift a hand in their defence, then come and rally around the standard of the Constitution. *That* has been planted on a rock—eternal as the rock of ages—truth, justice, and the rights of man—principles understood, felt, and practised by your fathers, and bequeathed to you as the greatest blessings that could be conferred by a race of patriots, heroes, and statesmen.

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Amidst the difficulties that beset us, and in view of the dangers that threaten, in those eternal principles alone can we find safety; on them alone we may repose with an assurance that they will bear us through every peril. You have but little understood them, never practised them. From the foundation of the Government, you have been in the hands of an oligarchy, lead, duped, deceived by them. For forty years have they led you through the wilderness, and at length brought you to the point whence you started—*taxation without representation*. As you love your salvation, then, come out from among them. Have charity to believe they do not maliciously design your subjugation; pity and forgive, but eschew their ways, abandon their doctrines, their principles, their institutions, which are sinking you into ruin, and plant yourselves, ere it be too late, on the rock of the Constitution. What are the doctrines of the Constitution on that great question now before you—which for forty years has been the source of endless perplexities, and has at length come up for decision—which peculiarly constitutes the crisis of the times, and on which the great battle for independence and dominion has to be fought? As truth always is, they are few, simple, intelligible. They require that legislation shall not be perverted from the common defence and general welfare, to promote the interests of a few sections, classes, or individuals; that no more revenues shall be collected than are necessary for the economical administration of a Government limited to a few general and specified objects; that they shall be collected in actual values, gold and silver, and not in spurious promises; shall be safely kept by sworn and chosen officers of the Government, under high penalties for the faithful discharge of their duties; shall not be long retained or accumulated, so as to be a temptation to the officer to use, and to the representative to misapply them; but promptly employed for the purposes they were collected, and thence returned into the ordinary channels of trade. These are the principles of the Constitution, which must bring home conviction to every mind; these are the doctrines the present Administration have embraced as their own, on which they have staked their salvation, and now call upon the people to come up to their support and defence. And most assuredly will they come. Can any one hesitate? Is there one so besotted by the delusions of party, so entangled in its meshes, that he is afraid to venture on these simple truths? Then let him go; he is unworthy the name of a freeman. Afraid to trust the principles of the Constitution! As well might the Christian be afraid of his Bible. When the spirit of reformation comes upon the church, after long years of corruption and heresy, where does she look for guides to lead her through the mazes of a tangled labyrinth—to the practices and homilies of fallible, designing men, or to the oracles of inspiration? And in this day of political corruption and heresy, the spirit of reformation has seized on the people, and to the oracles of the Constitution must they look for their guides.

Resolved no longer to be duped and deceived, they are rousing themselves as one man, and coming forth to the battle; already do we feel the deep ground-swellings that precede the rolling of the mighty billows; even now do we hear their voice, mighty and terrible, like the voice of many waters. Onward they come, an innumerable host, eagerly pressing into the last *Waterloo-field*; aye—a more than Waterloo-field—nobler principles, deeper interests, are staked upon its issue; such a field as was fought on the plains of heaven, when angel and archangel, principalities and powers, were assembled to prove the strength of Omnipotence over the prince of darkness. And shall the sovereign decrees of the same almighty lawgiver, holy and just, prevail on earth, is now the theme to be determined. Shall man, the workmanship of his hands, endowed with faculties divine, and made heir of immortality, live according to the laws of his nature, enjoy the birth-rights of his creation, tread the green earth, breathe the limpid air untrammelled, live by the sweat of his own brow, enjoy the fruits of his own toil, and as free of limb, so be free of heart; free to choose his mode of happiness, and to follow the impulses of that divine, ever-active principle pervading all things, existing in all natures, and strongest in his own bosom to subvert its

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noxious qualities, to sweep away infection, and suppress all evil? or shall he live in servitude to his fellow man—till the earth, and bear its fruits an offering to a fellow worm; walk prone and cowering like a brute, employed as a tool, an implement or passive thing, without acknowledgment of right or interest in the end; his soul made abject, to be abused as selfishness may prompt, made weak in all good, and strong alone in evil? Shall this, the only spot on earth where man enjoys the high behests of Heaven, and marches onward to fulfil the laws of his creation, cease to glory in its privileges; the star of hope to all nations be blotted from the firmament; and the peace and good will on earth ordained, of God, be put far back unto generations yet unborn? These are the mighty interests thrown into the scales of perilous war—the precious jewels cast on the uncertain tide of this revolution. Conscious of the awful wagers staked upon the issue, the arch-enemy of truth and human kind, the grand hierarch of apostacy, plies every enginery that malice or the dread of falling fortunes can invent, to dupe and draw into his train states and principalities, and men of every grade, regardless of the means, as is his wont, so that the end may be obtained. Amid the many thousands who have fallen a prey to his seductive arts, and the shrewd appliances of private ends and selfish interests, there is one at least who proves a faithful Abdiel.

Among the faithless, faithful only he;
Among the innumerable, false, unmoved,
Unshaken, unseduced, unterrified!
Nor number, nor example with him wrought
To swerve from truth, or change his constant mind,
Though single. From amidst them forth he passed,
And with retorted scorn his back he turned
On those proud towers to swift destruction doomed!

And who is this faithful Abdiel? The standard of a mighty State he bears, scorning to hold allegiance with apostacy; foremost in the rank he moves, bearing aloft a fit emblem of the State he is proud to serve; a goddess erect and calm, though treading chains and tyranny beneath her feet; a banner, which never waved o'er craven hearts or faltering lines; a surer harbinger of victory than the Prior's sacred relique, on uplifted spear, in Flodden field.

Renowned old commonwealth! Ancientest, purest, noblest, of the train of vestal sisters, who feed the flame on freedom's altar! When first the tyrant came, with holy zeal, she fought against him, and flung upon the breeze her thrilling war-cry, *Give me liberty or give me death!* which now is echoed back with cheerful voice by her thousand sons. First, to read aright the charter of human liberties, and pluck it from the grasp of ruthless enemies; again, she comes to save it from pervertion and the taint of treacherous friends. Ever prodigal of her wealth and of her sons, in liberty's defence;—pre-eminent she stands in deeds and sacrifice; and yet, above them all, she values most, virtue, honor, and the sacred cause of truth. Scorning selfishness and low ambition, one end alone she seeks—the common good. Who fails to study that, although her son, she will repudiate. Even now a lesson she is teaching, fraught with more of good to human kind than all the lessons of the schools—a lesson which the world must learn ere Government can rest on sure and just foundations—that law and truth, and principle alone, not feeble man, must be a nation's guide; that no distinction, eminence or service, can compensate the loss of those great truths of which she is alike the guardian and the foster mother.

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NOTES OF THE MONTH.

PHOTOGENIC DRAWING.

The most surprising invention of science since the time of Sir Humphrey Davy, is that of Photogenic, or, as we prefer calling it, Lucigraphic, Drawing, by means of the sun's rays, which his sagacious mind thought possible, but which he failed to perfect. His experiments, nevertheless, became the seed of new attempts, which resulted, by a wonderful coincidence, in a simultaneous announcement of the new art in Paris and London. The following particulars from the French and English papers will give some idea of this new discovery in the fine arts.

[*From a French Journal of February.*]

Mr. Daguerre and his new Invention.—For some time past, Mr. Daguerre's discovery has been the theme of much marvellous and contradictory report. We are happy to be able to state some facts relative to this really wonderful discovery. This artist, to whom the public is indebted for the splendid subjects of the Diorama, has for several years been engaged in making investigations into the properties of light, which he has pursued with all that ardour and patient perseverance which are the true characteristics of genius. After a series of observations made during nearly fifteen years, he succeeded in collecting and retaining upon a solid surface the natural light, and to embody the fugitive and impalpable, reflected on the retina of the eye, in a mirror, or in the apparatus of the camera obscura. Figure to yourself a glass, which, after having received your image, renders the portrait ineffaceable as a painting, with a resemblance, the most faithful to nature possible: such is the wonderful discovery of Mr. Daguerre.

But what, it may eagerly be inquired, is the inventor's secret? what is the substance possessed of such astonishing susceptibility, as not only to become penetrated by the luminous ray, but also to retain its impression, operating at once like the eye and the optic nerve, as the material instrument of sensation and the sensation itself? With this we are unacquainted. Messrs. Arago and Biot have made a report to the *Académie des Sciences*, of the effects of Mr. D.'s discovery, but they have not defined the causes of the same; they have merely given descriptions. We are indebted to the kindness of the inventor for a sight of a collection of master-pieces, designed by Nature herself; all we can do is to state our impressions. As each successive picture met our view, it was a fresh burst of admiration. What delicacy in the half-tints, what depth in the tone of the shadows! how rich and velvety the effect of the parts in high relief, how salient the alto-relievo! One of the figures was a crouching Venus, seen under various points of view, each of which was a multiplied statue.—Nothing could be more magical. But, it may be asked—How do you know that this was not the work of some able artist? The question is readily answered. Mr. D. placed in our hands a magnifying glass of considerable power, and then could we perceive, as in the inimitable works of nature herself, all the finely blending lines, invisible to the naked eye. There was a view of Paris, taken from the *Pont des Arts*; the minutest details, the interstices of pavements and brick work, the effects of humidity from falling rain—all were reproduced as in nature. On viewing the same scene through an eye-glass, the inscription over a distant shop, altogether invisible on the model, was brought forward in its proper degree of perfection. In the same manner, by the aid of a solar microscope, the most minute objects were magnified several thousand fold; even gossamers floating in the air were rendered visible; and

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nebulæ rendered with marvellous exactitude. From what we have here stated, some idea may be formed of the immense importance of this discovery to the student of natural history.

Professor Morse, of New York, well known to the scientific world as the inventor of the Elective Telegraph, having been in Paris when Daguerre's invention was announced, had an opportunity of examining his specimens of this new invention. The following extract of a letter from Mr. Morse to one of the New York papers, gives some interesting particulars of the effects produced.

"They are produced on a metallic surface, the principal pieces about seven inches by five, and they resemble aquatint engravings; for they are in simple chiaro oscuro, and not in colors. But the exquisite minuteness of the delineation cannot be conceived. No painting or engraving ever approached it. For example: In a view up the street, a distant sign would be perceived, and the eye could just discern that there were lines of letters upon it, but so minute as not to be read with the naked eye. By the assistance of a powerful lens, which magnified fifty times, applied to the delineation, every letter was clearly and distinctly legible, and so also were the minutest breaks and lines in the walls of the buildings and the pavements of the streets. The effect of the lens upon the picture was in a great degree like that of the telescope in nature.

"Objects moving are not impressed. The Boulevard, so constantly filled with a moving throng of pedestrians and carriages, was perfectly solitary, except an individual who was having his boots brushed. His feet were compelled, of course, to be stationary for some time, one being on the box of the boot black, and the other on the ground. Consequently his boots and legs were well defined, but he is without body or head, because these were in motion.

"The impressions of interior views are Rembrandt perfected. One of Mr. D.'s plates is an impression of a spider. The spider was not bigger than the head of a large pin, but the image, magnified by the solar microscope to the size of the palm of the hand, having been impressed on the plate, and examined through a lens, was further magnified, and showed a minuteness of organization hitherto not seen to exist. You perceive how this discovery is, therefore, about to open a new field of research in the depth of microscopic nature. We are soon to see if the minute has discoverable limits. The naturalist is to have a new kingdom to explore, as much beyond the microscope as the microscope is beyond the naked eye.

"But I am near the end of my paper, and I have unhappily to give a melancholy close to my account of this ingenious discovery. M. Daguerre appointed yesterday at noon to see my Telegraph. He came, and passed more than an hour with me, expressing himself highly gratified at its operation. But while he was thus employed, the great building of the Diorama, with his own house, all his beautiful works, his valuable notes and papers, the labor of years of experiment, were, unknown to him, at that moment becoming the prey of the flames. His secret, indeed, is still safe with him, but the steps of his progress in the discovery and his valuable researches in science are lost to the scientific world. I learn that his Diorama was insured, but to what extent I know not. I am sure all friends of science and improvement will unite in expressing the deepest sympathy in M. Daguerre's loss, and the sincere hope that such a liberal sum will be awarded him by his Government as shall enable him, in some degree at least, to recover from his loss."

Mr. Fox Talbot, an English gentleman, perfectly unconscious of Mr. Daguerre's operations, made the same discovery, and, after some years experiments, had succeeded in bringing it to even greater perfection than the other—when the announcement in Paris of the French invention astonished Europe. It was accompanied by the expression of Mr. Daguerre's determination to keep his process a secret until he should receive a national compensation. Mr. Talbot immediately communicated to the Royal Society the results to which he had arrived, with a copious description of the experiments by which he had produced them.

The following are extracts from a letter addressed by him to the Secretary of the Royal Society, containing the particulars:

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"The subject naturally divides itself into two heads, viz: the preparation of the paper, and the means of *fixing* the design:

"(1.) *Preparation of the paper.*—In order to make what may be called ordinary photogenic paper, I select, in the first place, paper of a good, firm quality and smooth surface. I do not know that any answers better than superfine writing paper. I dip it into a weak solution of common salt, and wipe it dry, by which the salt is uniformly distributed throughout its substance. I then spread a solution of nitrate of silver on one surface only, and dry it at the fire. The solution should not be saturated, but six or eight times diluted with water. When dry, the paper is fit for use.

"I have found, by experiment, that there is a certain proportion between the quantity of salt and that of the solution of silver, which answers best, and gives the maximum effect. If the strength of the salt is augmented beyond this point, the effect diminishes, and, in certain cases, becomes exceedingly small.

"This paper, if properly made, is very useful for all ordinary photogenic purposes. For example, nothing can be more perfect than the images it gives of leaves and flowers, especially with a summer sun: the light passing through the leaves delineates every ramification of their nerves.

"Now, suppose we take a sheet of paper thus prepared, and wash it with a *saturated* solution of salt, and then dry it. We shall find (especially if the paper has been kept some weeks before the trial is made) that its sensibility is greatly diminished, and in some cases seems quite extinct. But if it is again washed with a liberal quantity of the solution of silver, it becomes again sensible to light, and even more so than it was at first. In this way, by alternately washing the paper with salt and silver, and drying it between times, I have succeeded in increasing its sensibility to the degree that is requisite for receiving the images of the camera obscura.

"In conducting this operation, it will be found that the results are sometimes more and sometimes less satisfactory, in consequence of small and accidental variations in the proportions employed. It happens sometimes that the chloride of silver is disposed to darken of itself, without any exposure to light: this shows that the attempt to give it sensibility has been carried too far. The object is, to *approach* to this condition as near as possible without *reaching* it; so that the substance may be in a state ready to yield to the slightest extraneous force, such as the feeble impact of the violet rays when much attenuated. Having, therefore, prepared a number of sheets of paper with chemical proportions slightly different from one another, let a piece be cut from each, and, having been duly marked or numbered, let them be placed side by side in a very weak, diffused light for about a quarter of an hour. Then, if any one of them, as frequently happens, exhibits a marked advantage over its competitors, I select the paper which bears the corresponding number to be placed in the camera obscura.

"(2.) *Method of fixing the images.*—After having tried ammonia, and several other re-agents, with very imperfect success, the first thing which gave me a successful result was the *iodide of potassium*, much diluted with water. If a photogenic picture were washed over with this liquid, an *iodide of silver* is formed which is absolutely unalterable by sunshine. This process requires precaution; for if the solution is too strong, it attacks the dark parts of the picture. It is requisite, therefore, to find by trial the proper proportions. The fixation of the pictures in this way, with proper management, is very beautiful and lasting. The specimen of *lace* which I exhibited to the Society, and which was made five years ago, was preserved in this manner.

"But my usual method of fixing is different from this, and somewhat simpler, or at least requiring less nicety. It consists in immersing the picture in a *strong* solution of common salt, and then wiping off the superfluous moisture, and drying it. It is sufficiently singular that the same substance which is used in *giving* sensibility to the paper, should also be capable, under other circumstances, of *destroying* it; but such is, nevertheless, the fact.

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"Now, if the picture which has been thus washed and dried is placed in the sun, the white parts color themselves of a pale lilac tint, after which they become insensible. Numerous experiments have shown to me that the depth of this lilac tint varies according to the quantity of salt used relatively to the quantity of silver. But, by properly adjusting these, the images may, if desired, be retained of an absolute whiteness. I find I have omitted to mention that those preserved by *iodine* are always of a very pale primrose yellow; which has the extraordinary and very remarkable property of turning to a full gaudy yellov whenever it is exposed to the heat of a fire, and recovering its former color again when it is cold."

The Literary Gazette mentions that Sir John Herschel has devoted his attention to the subject, and has already, as it states, made curious progress, inasmuch as he has obtained the pictures from the light of Daniell's great galvanic battery. Sir David Brewster, too, we are informed, has taken up the investigation; and when such men set to work we may look for much to follow.

HENNEPIN'S TRAVELS.

Since writing the Article on Hennepin's Travels, in our last, we have been so fortunate as to procure a copy of the *Recueil de Voyages àu Nord*, in the fifth volume of which was republished the copy of Tonti, to which we supposed the map, mentioned by the North American Review as correcting the erroneous latitude of the text, must have been attached. We find that there was no map attached to this edition; and, further, that, although published in the year 1734—thirty-seven years after the original edition in Paris—it gives the same latitude for the mouth of the Mississippi, viz: between the twenty-second and twenty-third degrees, on which an important point of the controversy turned. The views in favor of Hennepin's authenticity, given in our Number for April, receive, therefore, an additional corroboration; and, as the question is curious, the North American Review will oblige the literary public by giving all the necessary information relative to this map, and the edition to which it was attached, which it would appear, from the text of its article, to have seen as well as the editor of Joutel's Journal. The views expressed in our last, respecting Hennepin's Travels, having excited some attention, we are gratified in being able to state, that a friend, about to visit Paris, has promised to interest himself in examining minutely the existing records of early French exploration in the West—an examination which cannot fail to be productive of very interesting results, which, we trust, in good time, to communicate to our readers

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NOTICE.

It is proper to state, that one of the Editors of the Democratic Review, Mr. O'Sullivan, has been compelled, by impaired health rendering it necessary for him to go abroad, to withdraw from the duties, and consequently from the responsibility, of that position. All communications, therefore, which have, heretofore, been addressed to the Editors jointly, will, henceforward, be addressed to Mr. Langtree singly.

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THE

UNITED STATES MAGAZINE

AND

DEMOCRATIC REVIEW.

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RECENT AMERICAN POETRY.*

Thirty years ago, it was an easy task, in our country, to make a poetical reputation. A few metrical compositions, thrown together into a thin mis-shapen volume, were quite sufficient to form a halo, or weave a garland, for the brows of any infatuated young person, who, like Gray's "moping owl," took solitary satisfaction in complaining to the moon. In those days there was a plentiful lack of "the vision and the faculty divine;" and when, occasionally, it chanced to shine upon the upturned, wondering eyes of mortals, they almost looked to behold the dispenser of fanciful splendors,

> Bestride the lazy-pacing clouds,
> And sail upon the bosom of the air.

To the fact we assert, bear witness the names of many who, never having perpetrated verses enough to eke out a volume, were destined to an immortality of preservation in the amber of Mr. Samuel Kettell's "Specimens of American Poetry." Were it not for the existence and assistance of that illustrious compendium, we have some doubt whether we should ever have been aware of the brilliant sparkles which those meteors emitted in their time. Even under the supposition that their glories had burst through the obscurity of our researches, we should hardly have deemed them fixed stars in the firmament of fame, had they not so appeared to the telescopic observation of Mr. Kettell. This gentleman has generously provided us with the names of some hundreds of American poets, and of each

* Bianca Visconti, or the Heart Overtasked, by N. P. Willis. Samuel Colman, New York.

Velasco, a tragedy, in five acts, by Epes Sargent. New York, Harper & Brothers.

The Ruins of Athens; Titania's Banquet, a mask; and other poems, by G. Hill. Boston, Otis, Broaders & Co.

Geraldine, Athenia of Damascus, and Miscellaneous Poems, by Rufus Dawes. New York, Samuel Colman.

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one in particular has framed a brief biographical notice, which must be extremely consoling to the friends of the departed. Should this resurrectionist of the dry and crumbling remains of defunct poetasters philanthropically set himself to digging at this day, he would find a hundred subjects where he found one before, all fitted to adorn his museum of decayed specimens.

We fear that we have fallen into a little metaphorical confusion, in expatiating on the labors of Mr. Kettell; but it cannot be greater than that of his "poets." If the appellation of "poets" were awarded to most of the metre-ballad-mongers, whose twattle has been thus resuscitated, we are right in the asseveration that the bays of poetic renown must, at no very distant period, have been of facile attainment. At present, it is a task of some magnitude, and we assert this in the face of any merely fictitious reputation which some self-deceiving rhymer may fancy that he enjoys. Your mere poetaster now is not distinguished from the herd of common men; no one turns to mark his abstracted air, or the fine phrenzy of his rolling eye; he may write "till his ink be dry," and unless he can excel most of the "specimens," he must confine his "wild love of fame" to the perusers of the journal, through which his sentimental slip-slop is drizzled on to the public. And why is this? What has wrought this change in the public estimation of verse-making and verse-makers? In reply, unhesitatingly, the large quantity of excellent poetry, really, intrinsically excellent, which has been published within these last thirty years.

It is by no means our intention to attempt, within the judicious boundaries prescribed to a paper in a Democratic Review, (where many voices may claim audience,) an investigation or exposition of all the good verses which have appeared within the specified period of time. Far from it. We propose simply to set down

> "A chosen tally of that singular few,
> Who, gifted with predominating powers,"

have worthily achieved, and are worthy to bear, the name and fame of "poets." Besides these, we shall confine our remarks to the few authors whose books have been published so lately as to authorize their selection as texts to a cursory dissertation on *recent* American poetry.

We would state fairly in the outset, that we are about to express our own honest opinions, not those of the public; and the reason that we consider these opinions worthy to be expressed is, because they are formed not hastily or with prejudice, but reflectingly and with judgment. We shall not draw a rein upon our pen, but let it race freely and merrily over the whole course; thus shall we the more speedily attain the goal, and be watched with more excited gratification by our goodly crowd of spectators. Some of our notions will be found to agree wonderfully well with those entertained

by his majesty, the many; while others will differ so entirely, that they will be pronounced queer and paradoxical. We commence our career from our point of general agreement, which is this: Mr. William Cullen Bryant is the best poet in America. As it is quite needless to enter upon the proof of a fact which is strikingly evident, we shall not undertake to adduce the testimony which is so abundantly afforded by many of his long-published pieces. We have examined this testimony again and again, and always with increased delight. It is rich and copious. From the library of English poets, it would be difficult to select a more freshly pleasing volume than Mr. Bryant's. It administers welcome nurture to the contemplative mind. It contains but little to excite the joyous and merry-hearted to louder mirth, but much to soothe and soften the elated spirit into a quietude that more nearly approaches true happiness. "Thanatopsis" is not so sublime as "Coleridge's Hymn in the Valley of Chamouni," but its effect on the imagination of the reader is scarcely less grand. It is not so perfect a production as the "Elegy in a Country Church Yard," but its strains Æolian sweep through the mind with a power equally subduing, for it breathes the same "sad, sweet music of humanity." Its concluding lines fall upon the ear as if uttered by some warning angel.

> "So live, that when thy summons comes to join
> The innumerable caravan, that moves
> To that mysterious realm, where each shall take
> His chamber in the silent halls of death,
> Thou go not, like the quarry slave at night,
> Scourged to his dungeon; but sustained and soothed
> By an unfaltering trust, approach thy grave,
> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams."

Next, scarcely inferior to this, comes the "Hymn to the Evening Wind." Either would of itself be enough to stamp its author as a man of high poetical genius. These two, and the "Song of Marion's Men," are as common and as popular in the United States as many of the oldest lyrics of British bards.

Had Mr. Bryant stopped with the volume which comprises, with many others scarcely less admirable, these three fine poems, we should have been equally free to grant him the place which he now holds by general consent; but we should have done so with less lively gratification than we now experience, arising, as it does, from our appreciation of his late pieces, given to the public in the pages of this Review. The pieces to which we allude are not familiar alone to the readers of this journal; their transfer to the columns of nearly every journal from the disputed territory to the seat of the Florida war has made them equally familiar to our countrymen in general. They have been rightfully designated by a northern critic as "not only acquisitions to American literature, but additions to the

English language." They flow from the same rich fount of genius, which has so abundantly proved that their author is destined to occupy an enduring rank among the authors of the age. There is but one other man in existence who could have created such lines, on such a subject, as those that flow like living streams of beauty from "The Fountain." No known living poet but Wordsworth could have originated the glorious thought in four lines, which we shall presently quote. They occur in the magnificent stanzas entitled "The Battle Field," printed a year since in this Magazine. In reading the whole poem, they did not so break away from the entire chain of melody as to produce the single and startling effect which they afterwards did, upon our encountering them casually in Mr. Forrest's oration, on our last anniversary of national independence. There was a Shakspearean grandeur in the idea, and a Miltonic dignity in its expression, read aloud.

> "TRUTH, CRUSH'D TO EARTH, WILL RISE AGAIN;
> TH' ETERNAL YEARS OF GOD ARE HERS;
> BUT ERROR, WOUNDED, WRITHES IN PAIN,
> AND DIES AMID HER WORSHIPPERS."

To Mr. Halleck we are willing to assign a rank inferior only to that occupied by Mr. Bryant in the scale of those who have so elevated the standard of American poetry during these latter years. If a man were to be judged by the quantity, not by the quality of his works, then would Mr. Halleck's laurels be few and faded. As it is,

> "Few have worn a greener wreath
> Than that which binds his hair."

To use an expressive mercantile phrase, he has done a very large business on a small capital. In this respect he excels every modern poet, except Gray. His taste is quite as fastidious as Gray's or Campbell's; there is the same intense polish in his lines, the same exquisite nicety in his versification. We wish that he had imitated their sobriety. They never indulge in antics or cut pirouettes at the conclusion of a poetical movement, as stately and graceful as a minuet. The fair form of "Alnwick Castle" is spoiled by its mean and miserable ending. If this be wit, we beg to be spared its infliction. Mr. Halleck's finest poem are his lines in memory of Burns; they were probably suggested by Wordsworth's Rob Roy, but are none the less attractive on that account:

Equal to Mr. Halleck, and superior in that he has written so much more—is Mr. Charles Sprague. It is curious that both these gentlemen should be the curators of extensive money concerns. That the mind of one at least has received no sordid taint, we may infer from this distich.

> "The fool who holds it heresy to think,
> And loves no music but the dollar's clink."

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Mr. Sprague has wrought rich treasures from every vein that he has struck. He has been so successful in all, that we are doubtful in which he has best succeeded. He displays the same singular felicity in sarcastic, pathetic, and spirited verse. His "Curiosity" is a noble poem; the language has scarcely a more splendid lyric than his Shakspeare Ode, and we know of few strains of deeper tenderness than those on the Death of a Sister, the Family Reunion, and others of the same tone. The arrow that would find a chink in Mr. Sprague's bright armor, must be more adroitly aimed than ours; he is impervious to *our* criticism.

In thus cursorily speaking of three of our best poets, we have sufficiently proved our postulate; as long as they, and others like them live to write, (we wish that they wrote to live,) the standard of refined taste in native poetry will be kept alive, and there will be little danger of our tolerating that which is in itself indifferent, because it is comparatively good. Before passing, however, to speak of those writers, whose more recent works immediately invite our observations, we would name one, to whom may, with singular fidelity, be applied Pope's expressive line:

"How sweet an Ovid was in Murray lost!"

George D. Prentice, of the Louisville Journal, a rabid opposition paper, has all the richest endowments of genius. He deserted "the muses' bower," to fight and scuffle on the dusty arena of politics. He flung aside his golden-voiced lute for the brazen-throated trumpet. Some of his earlier effusions are "beautiful exceedingly." His lines by his mother's grave, written at the age of fourteen, are more remarkable than any other juvenile production we ever saw. They breathe the very soul of sorrow; nothing could be more irresistibly touching and plaintive. His later pieces, especially those which tell of love, seem flushed with the rosiest hues of passion, pervaded with a glow like old Anacreon's. His fault is too lavish a profusion of imagery, the use of too many spangling epithets, which despoil his thoughts of their simplicity and beauty. Practice would have amended this, but he has not practised, he probably never will again practise poetry; he is a politician. Some of the most valuable contributions to American poetry have been made by those who have never yet had ambition enough to collect their scattered effusions into volumes. To convince the reader how sincerely this is to be regretted, we need mention no other names than those of the two last mentioned writers, Sprague and Prentice. We would that they could be persuaded to do so at this time, and we would that every writer upon whose efforts public approval has set its seal could be induced to follow the example.

Mr. Dawes' "Athenia of Damascus," Mr. Willis's "Bianca Visconti," and Mr. Epes Sargent's "Velasco"—a tragedy which was successfully brought forward at the Park Theatre, in New

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York, and which has met with considerable praise from the periodical press—have all appeared within the last six months. Neither of these dramas have extraordinary merit; that by Mr. Sargent is by far the best as a whole, although those of Mr. Dawes and Mr. Willis contain finer passages of a fanciful description. We shall now speak of these dramas, though not with the particularity to which their defects as well as merits entitle them. That of Mr. Dawes has appeared in a separate form as well as in his volume. It legitimately claims our attention among his other poetical works which will be last treated in this paper, since they are the most important under notice. We would premise our remarks on the other two dramas, with the mention of the fact that they are the only native productions of merit, which have been given to the public in readable form, after their representation at the theatre. Dr. Robert M. Bird, of Philadelphia, author of Calavar, the Infidel, &c., was the first of any eminence who came forward as a dramatist. His "Gladiator," and "Broker of Bogota," never found their way to the publishers, less, as we imagine, through fear of their being submitted to the test of literary criticism, than from apprehension of diminishing their attractiveness on the stage.

Mr. Willis has published three dramatic works. The first was the tragedy which lies in a very neat garb before us, and is called "Bianca Visconti, or the Heart overtasked." It was written two years since, with a view to the acting by Miss Clifton of the principal female character. This is the way in which all American writing for the stage has been elicited. Mr. Dawes' "Athenia" was written for a Mrs. George Jones, (a woman, like Miss Clifton, of fine appearance, and it has been stated of superior histrionic power,) and Mr. Sargent's "Izadore," the heroine in "Velasco," for Miss Tree. The effect of this must be to direct the author's attention to one bright point, from which he trusts to diffuse a radiance over the whole piece. Other matters are simply auxiliary—and the consequence is an inferior development of character, and no very skilful management of plot. This criticism applies to Mr. Willis's performances rather than to those of the other two writers.

After the somewhat equivocal success of "Bianca Visconti," Mr. Willis was betrayed into the perpetration of a comedy, which was (to use the common phraze) "damned" silently on the second night of representation. It is said to have been so broadly farcical, and so outrageously absurd, that it proved impossible, even for an audience fully determined on being delighted, to endure it. Nothing daunted by this rebuff, Mr. Willis steps like a stalwart knight again into the lists. If we were to credit the daily journals, we should believe that he had rent the laurel from Shakspeare's bust to adore his living temples, and that in "Tortesa, or the Usurer," the world beheld a comedy, such as no age since that of good Queen

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Bess can boast. The truth is, that there is little or no dramatic power displayed in the piece. It is like Bianca Visconti, to which it is decidedly inferior in stage effect—a graceful poem running over with sparkling conceits and glittering fancies, which bubble up and burst on the surface like the air-jewels in a beaker of rosy champaigne.

It has been remarked of the plays of Sheridan Knowles, that in no one of them is there an allusion which would call a blush to the cheek of purity. This is a high degree of praise which cannot be awarded to the dramas of Mr. Willis. There is an indelicacy on the second page of "Bianca Visconti," and there are several in the comedy of "Tortesa." When will authors learn that filth is filth, though it be wrapped in a web woven from the costliest looms of Cashmere. We will not detain the reader with an analysis of the tragedy before us. The plot is poor in incident, but managed so as to stimulate, and increase the interest of the reader the more as he approaches toward the catastrophe. It is tragic enough to suit the taste of one who would "sup full with horrors." It hinges upon the high dramatic circumstance of a sister being accessory to the murder of a young and innocent brother, who stands in the path of her lover's ambition. But we leave the plot which we do not like for the poetry, which we do like, and with which it is our duty to deal in this paper. Here is a beautiful passage, expressive of Bianca's joy at the fruition of her long cherished hopes of happiness with her bridegroom, Sforza—beautiful, though it trenches on the "isle" in Moore's "Blue summer ocean far off and alone."

"Oh, I'll build
A home upon some green and flowery isle
In the lone lakes, where we will use our empire
Only to keep away the gazing world.
The purple mountains and the glassy waters
Shall make a hush'd pavilion with the sky,
And we two in the midst will live alone,
Counting the hours by stars and waking birds,
And jealous but of sleep!"

Here are glowing lines of descriptive verse, though signally exemplifying that vicious exaggeration which results from the impotence of the true poetic imagination, and which his fine taste and the rare, natural strength of Mr. Willis's faculty render unpardonable in him.

"I remember
The fair Giovana in her pride at Naples.
Gods! what a light enveloped her! She left
Little to shine in history—but her beauty
Was of that order that the universe
Seem'd govern'd by her motion. Men look'd on her
As if her next step would arrest the world;

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And as the sea-bird seems to rule the wave,
He rides so buoyantly; all things around her—
The glittering army, the spread gonfalon,
The pomp, the music, the bright sun in heaven—
Seem'd glorious by her leave."

Here is something musical that will be deemed exquisite, till one endeavours to get at the meaning, and perceives that it begins with an hypothesis, very like a bull.

"If the rose
Were born a lily, and, by force of heart
And eagerness for light, grew tall and fair,
'Twere a true type of the first fiery soul
That makes a low name honorable. They
Who take it by inheritance alone—
Adding no brightness to it—are like stars
Seen in the ocean, that were never there
But for the bright originals in Heaven!"

The finest scene in the piece—and it is, poetically, very beautiful—is that in the fifth act, of an interview between Sforza, the hero, Bianca, and her young brother Giulio. We should like to give it as the fairest specimen of Mr. Willis's dramatic as well as poetic powers; but the limits, to which the number of matters treated in this article restrains us, forbid. The final melancholy madness of Bianca is so like Ophelia's, that we are ready to award it the praise of successful imitation.

Mr. Willis's dramas will hardly keep even short-lived possession of the stage, but they will maintain a more respectable rank in imaginative literature than his formerly published poems. They are less disfigured by affectations, and are pervaded by a more masculine tone of sentiment. They show that the author has of late conceived a nobler ambition, than to be the Waller of modern court circles— a *preux chevalier*, a sort of Sir Piercie Shafton, enrapturing the intellects of boarding school misses with metrical euphuisms and elaborate fooleries. He seems to have learned to reflect more upon his art, and less upon himself. Such reflection may not be so agreeable, but he will find it far more beneficial; the famous Greek precept, and Pope's scarcely less famous line, to the contrary notwithstanding.

Mr. Sargent is the author of several fugitive poems of considerable merit. He writes with scrupulous correctness, rather than remarkable power. He is guided rather by nice taste than bold ambition. He never startles his reader, and never shocks him; he is never venturesome, never "in wandering mazes lost;" the path he treads lies smooth, and plain, and verdant before him, and he is sure that he has answerable skill to pick his steps. He never walks blindfold, or with his eyes behind him. Had he been Icarus, he would never have attempted to fly, even had his wings been made of

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feathers instead of wax. He is not wanting, however, in self-confidence, for he is sure of success by never over-estimating his own powers. He will take a permanent though not very brilliant position among our writers. Were he more daring, he might reach a higher point; but as there is no danger of his aiming beyond his reach, so there is none of his not reaching his aim. Of this we are certain;—in his future course he will culminate, and not decline. His modesty, no less than his abilities, entitles him to our most favorable consideration. His play "Velasco," was quietly issued from the prolific press of the Harpers with little or no flourish of trumpets. It was read and liked. It was acted, and succeeded. The newspapers puffed it as they do every thing else, *ad nauseam*. This set the author's fame afloat, and a strong voice of judicious approval has kept it sailing on bravely ever since. We shall not swell the gale, but keep it blowing.

Since to Mr. Sargent has been accorded the praise of being the best dramatist in the country—a praise it would be difficult to gainsay—we should be glad to exhibit his pretensions by liberal quotations. This would also prove the justice of our other remarks; but we must rest content with simply showing, from this play, that he is a poet of no inferior merit. We could do this, more efficiently, from his first dramatic attempt, called "The Genoese." It has not been published; but should be, were it unredeemed, except by certain beautiful passages. Though it was horribly mangled at the Park theatre, we saw and heard enough to make us prefer its story, plot, and incidents, to those of "Velasco." In the play before us we regard the choice of all these as unfortunate; the melo-dramatic termination of the third act is decidedly bad. But to the poetry. Here is a subject for the pencil of Weir—

> "Our routed troops were flying in dismay
> Before the turban'd Moors, when from the gloom
> Of a green thicket rush'd a mounted knight!
> His charger, white as snow—his battle-axe
> Poised in his right hand, while his left uprear'd
> The Christian ensign blazoning the cross!"

Here is an exquisite figure—the last line is eminently good, and brings to mind that incomparable line of Campbell's:

> "And in her eye, the tenth blue summer smiled."
> "Oh! ne'er did mariner, long toss'd at sea,
> With no benignant star to point his course,
> Hail with more rapture the first gleam of land,
> Than I from War's seam'd visage and wild glance,
> Turn to the blue eyes of maternal peace!"

These words of parting between a brother and sister, when the latter is about to be wedded, remind us, by their pathos, of certain touches in "Ion:"

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JULIO.

"Alas! I never yet have parted from thee
With the sad thought, that ere we met again
Thou wouldst be all another's—never more
The gay, free-hearted, fond, and careless girl,
Whose laugh in bower and hall was sweetest music.
Is not the thought well worth a casual tear?

IZIDORA.

"Why should I be less happy or less fond?
The influence of all outward things—
The sky, the sunshine, and the vernal earth,
Beauty and song—will they not be the same?
Ah! there are spirits in this fretful world
Which grow not old, and change not with the seasons.

JULIO.

"Oh! let not that assure thee. Time, my sister,
Is not content with marring outward charms;
His deepening furrows reach the spirit's core."

The following, exhibiting the rage that pervades the breast of an old Castilian, who has been insulted by a blow, and is impotent to avenge the injury, is full of force and spirit:

DE LERMA. *(taking up his sword.)*

"Thou treacherous steel! art thou the same, alas!
Of yore so crimson'd in the Moorish wars?
Methinks there should have been a soul in thee,
The soul of victories and great achievements,
To form a living instrument of vengeance,
And, in the weakness of thy master's arm,
To leap spontaneous to his honor's rescue.
Go! 'tis a mockery to wear thee now.
[*Throws down his sword.*
Struck like a menial! buffeted! degraded!
And baffled in my impotent attack!
Oh Fate! Oh Time! Why, when ye took away
From this right arm its cunning and its strength,
Its power to shield from wrong, or to redress,
Did ye not pluck from out this swelling heart
Its torturing sense of insult and of shame?
I am sunk lower than the lowest wretch!
Oh! that the earth might hide me! that I might
Sink fathoms deep beneath its peaceful breast!"

We are willing to rest our assertion, that this piece contains evidences of decided poetical genius, on one more extract:

SCENE III.—*A glen near the castle of Gonzalez. A storm is raging, with thunder and lightning.* (*Enter Velasco from the rocks in the back ground.*)

VELASCO.

"I lay my brow against the marble rock,
I hold it throbbing to the dewy grass—

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There is no coolness in the summer rain!
The elements have lost their attributes.
The oaks are shiver'd round me, in the blaze
Of the near lightning, as it bursts the folds
Of its black cerements, but no gracious bolt
Blasts me or scathes! A wilder storm is here!
The fiery quiver of the clouds will be
Exhausted soon—the hurricane will sink;
And, through the vista of the western clouds,
The slant rays of the setting sun will stream—
And birds, on every glistening bow, will hail
The refluent brightness and the freshen'd air;
But when will pass away from this sad heart
The cloud of grief, the tempest of remorse!
When will the winged hopes, that glanced and sang
In joy's melodious atmosphere, return,
To welcome back the gladness of the soul!"

In bidding adieu to Mr. Sargent, we greet the appearance of a writer, who differs from him in every essential characteristic, as much as it is possible for one person to differ from another. The author of the "Ruins of Athens" is evidently a man of taste, feeling, fancy and imagination, and yet we are free to say that he is not destined to be a poet. The present work has been before the public some years, and if it has not made his name particularly familiar as a poet, the present republication, for it bears neither the name nor the semblance of a second edition, is not likely to increase the small acquaintance that now exists. It is composed of a number of exemplifications of rhythm and metre, which have very much the air of exercises. Some will *do*, and others will not. Mr. Hill has courage enough, but lacks strength. He is evidently a disciple of Byron and Shelly, and all those whom the author of Philip Van Artevelde wisely classes as "the Phantastic School." These are they who behold nature by torchlight instead of daylight and starlight. They delight in the glare of strong radiance, and the gloom of deep shadow. Yet we are perhaps wrong in supposing that Mr. Hill is more an admirer of such volcanic effulgence than of the serene glories of poets like Wordsworth; for he is a thorough imitator of them all. He lays little claim to original talent, and we find even more in his avowed "Imitations," than in other portions of his handsome, but very badly *printed* volume. The first long piece, "The Ruins of Athens," is in the Childe Harold stanza, and very Childe Haroldish. The second, "Titania's Banquet," is pretty, but is rather the effluence of a mind where there had been a mingling up of Shakspeare's "Midsummers' Nights' Dream," Tom Hood's "Plea of the Midsummer Fairies," and Dr. Drake's "Culprit Fay," in a confusion somewhat perplexing. Mr. Hill is not, however, without merit conspicuous and commendable in his class. He is an excellent versifier, and chisels out his poet-

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ical statues with laudable assiduity. If he does not produce a Laocoon, or a Venus, it is not his fault. He is, therefore, entitled to the credit of considerable success, particularly in his descriptive pieces, imitatory of Wordsworth. He chose a good master there—much better than Tom Moore and other worthies, whose manners and dress are elsewhere assumed.

There are, nevertheless, as we have said before, displayed throughout this volume much both of taste and feeling; and it is only in the severe impartiality of criticism, adjudicating the formidable claims of a poet and his volume, to be connected with our permanent literature, that we have been compelled to use a single word of disparagement. As contributions in the magazines to our monthly anthology, as the offerings of a man of refinement and education to the enjoyments of social life, these poems would win for their amiable author all the praise and distinction of which a delicate and susceptible mind need be ambitious. We shall be willing, and even rejoiced, if the public voice, in investing him with the bays of the poet, will do more; and we cheerfully lend our aid to that great consummation of bookmaking, by copying the following excellent stanzas:

TO A FLOWER FROM THE ATHENIAN ACROPOLIS.

Frail, withered leaf! thy tints are shed—
  Thine odor scents a distant air;
No spirit here survives the dead,
  And seems to say, "The relic spare!"
Around me flowers in sunshine sleep,
  Whose dewy sweets arrest the bee,
Or blushing at my window peep;
  Yet do I turn from them to thee.

For thou wast cradled, nurtured, where
  The men, whose birth was Freedom's, rose;
There still survive their trophies; there
  The bones of heroes, Gods, repose:
Memorial of feelings high
  As met the mount my awe-struck gaze,
Whose relics, though in dust they lie,
  Bespeak the pride of former days.

Prized, in remembrance of a spot,
  Whose time-worn image haunts me still;
For who has marked, and e'er forgot
  The trophies of that glorious hill?
Still, though in shattered pride, elate,
  But soon to perish, like the flower
Sprung from the dust that strews the seat,
  The monuments of human power.

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We now approach the most serious portion of our task. Mr. Rufus Dawes is a genuine poet. He has an eye, quick to distinguish the beautiful, and an ear sensitively alive to the delicate music that pervades the air, and yet comes from no visible instrument. He is much inclined to philanthropical musing, and addicted to refined abstractions. His mood is wild and speculative, yet study has imparted to him good taste. Sometimes, however, he goes sadly astray; he has done so in the book before us, and were it not for an occasional

——— dash of purity and brightness,
Which shows the man of sense and of politeness,

we should have guessed every new poet to be the writer of "Geraldine," before Rufus Dawes. We protest against the nondescript style therein displayed—against the unnatural blending of the bold and strong with the frail and feeble. That splendidly vicious poem, Don Juan, was, if not the first, the principal source of the popular taste for this incongruous intermixture of high and low ideas in poetry. Hostile as it is to every precept of a correct, critical taste, this style continues to find its imitators. We regret to censure Mr. Dawes as one of them. His "Athenia of Damascus," and many of the miscellaneous effusions collected into this volume, evince his capacity for purer and better things, and make us certain that he can touch the finer chords of sentiment, and wake the deeper melodies of nature. "Geraldine," the leading production of this volume, is an exaggerated specimen of the villianous style of Don Juan. Its rhythm is the same, and the resemblance is pretty exact in all respects, save the number of lines in each stanza. Its versification is like that of Mr. Halleck's "Fanny"—than which no equal number of verses were ever more egregiously overrated—and its efforts at wit are something similar, though more vulgar and less comprehensible. "Fanny" was famously liked in its day, and the Gothamites chuckled over it, because they entered fully into the spirit of its local jokes and personal allusions. If we remember aright, there are no stanzas in it worthy of preservation, except those often quoted ones commencing

"Weehawken, in thy mountain scenery yet."

We challenge any stranger to account for the great popularity with which it was originally attended, and which its remembrance now maintains. The author, of course, is not at fault; his object was to amuse the town, and he succeeded. He probably never dreamed that "Fanny" would be more than the belle of a single season; if her many admirers are now clamorous for her re-appearance, in a new attire, he is not to be reprehended for acceding to their wishes, provided they are willing to pay him roundly for the trouble of a second bringing out. No similar apology can be made for the chaperon of "Geraldine." She makes her debut in all the

pride and splendor of an elegant dress—by no means an unpretending aspirant for admiration. We are ungallant enough to pronounce the lady a fright, and to recommend her speedy consignment to the shades of quietest obscurity.

The critic can have a no more unpleasant duty to perform than one of condemnation, even where he feels perfectly indifferent to the subject of his strictures. This duty becomes peculiarly irksome when he takes up the work of an author, in whose favor he had been agreeably prepossessed, and finds nothing but stubble, where he looked for little else but flowers. Were we equally disposed, with his warmest friends, to extol Mr. Dawes' poetry, (and that we are, he has but to know us to feel assured,) we could not, if we simply regarded the author and not the public, avoid an exemplary, though brief, exposure of the gross demerits of the production which gives a name to this volume, which is made first and most distinctly to demand the reader's attention. To do this in as few words as possible, and with the fewest possible citations, shall be our earnest endeavour. The choice of metre was the author's first misfortune. It is both feeble and common, and should have been rejected on both accounts. Yet, in the opening stanzas, the author puts it to its very best use, giving it all the tone and swell of which it is susceptible. The strain first assumes tenderness, in description, and then draws near to sublimity, in invocation. Afterwards it glides off into a philosophical flourish, at the beginning and end of which a father and daughter are introduced—the first being surnamed "Wilton," and the latter christened "Geraldine."

Now the story runs that this young lady, as heroines always do in poems, falls in love with a good-for-nothing, "ne'er-do-well" sort of a scape-grace. His name is Waldron, and he loves Geraldine to distraction, as he takes pains to evince by killing a rival, and running away with an improper female, who is called Alice Acus, so as to rhyme with "make us." Previous to this delicate piece of attention on his part, he turns pirate, a regular out-and-out Corsair, and rushes, in the maddest spirit of desperation, to sea, in a "long, low, black-looking schooner." Geraldine, as is becoming under the circumstances, goes into a galloping consumption, looks pale and hectic, and cries pretty much all the time because the cruel fates have separated her from her amiable admirer. Old Wilton, her papa, judiciously determines to carry his sick daughter to a warmer climate. They depart in a ship, which is of course attacked by the pirate Waldron—and the upshot of the whole matter is the indiscriminate demise, in the most horrible way, of the entire party. This rigmarole is more ridiculous in the author's verse than in our prose; it occupies, however, but a small portion of the poem, the chief part being the most irrelevant digression. Herein it resembles Don Juan most manifestly. There is a like

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mingling of coarse humor and affected pathos, a similar use of slang terms and vulgar expressions, the same striving after oddity of rhyme, with equally shocking success. There are, moreover, repeated attempts at the tender, the devotional, and the sublime, which, *unlike* those of Don Juan, are bombastic failures.

If the following commissions are not enough to send to the tomb of the Capulets any poem by any poet, then are slang, silliness, and smut, "tolerable, and to be endured."

"The goose that has the largest share of stuffing,"
"And very often went to bed a beast."

"And many, who to ruin are turned over,
But 'go to grass,' to roll themselves 'in clover.'"

"Who awes the great menagerie of fops,
In admiration at his whisker crops."

"Alphesibœus might renounce his jumps,
To see *saltantes satyros* in pumps."

"Throw off your modesty, and damn your eyes."

"Suppose you have some half-a-dozen daughters,
From four feet high to five, with some odd inches,
But cast your bread, you know, upon the waters,
And save the shoe from telling where it pinches.
Throw open wide your doors,—burn spermaceti,
And never more despair of Bell or Betty."

"And so the city Fair of matrimony
Blazes forever, and the bids run high,
'What's offered, ladies, for this matter o' money?—
A hundred thousand in the stocks! who'll buy?—
Going!—who bids?—going!—he's good as Rothschild—
Gone!—and Miss Wilhelmina rocks the Goth's Child.'"

"Poor devil that was married for his Bentons,
And having lost them, shares his rib's repentance."

"But now-a-days, instead of wasting pearls,
They have a way of melting down the girls."

"Pope Alexander always had his followers,
As Alexander Pope has had his swallowers."

"May rob the very altar of a horn,
'Sprinkling with rosy light the dewy lawn.'".

"Now there are many different kinds of lions,
As there are wares, from porcelain to 'Brummagem';
Some manufactured by the curling irons,
And others, the museums, should you rummage 'em."

"While o'er the blue, macadamised rotundo,
Flectit equos, curruque volans, dat lora secundo."

"At length they heard the dipping of the oars,
And Wilton saw at once the frightful cause."

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These four last are the most shocking violations of Nick Bottom's rule we ever heard of; though the sense can hardly be said to be sacrificed to sound. They are infinitely worse than the Yankee distich—

> "There goes our old mill down the water
> A darn sight faster than it ought to."

We shall cheerfully bid adieu to this ridiculous performance with the quoting of certain passages which read, not as if they were imitations, but as if they were "scissorized" out of the whole cloth of Don Juan.

> "——gently raised
> Her dimpling hand of snow, where one warm kiss
> Thrilled to her heart with love's delicious bliss."

> "The morn is up again—the dewy morn!
> Fresh from the bed of night in matron bloom,
> Weeping to see so many take 'a horn,'
> And walk out rosy from the soda-room;"

> "Not that there's any pleasure in the danger,
> More than in being shot at with ounce bullets;
> 'Tis sweet to seem to be to fear a stranger,
> The while we wish that we were feeding pullets.
> Most men can fight a duel to the letter,
> Yet when a man survives, he feels the better."

> "Long did the combat last, till only five
> Were left within the Vulture; they at length
> Were overpowered by numbers yet alive,
> Faint with the loss of blood and without strength.
> But while the pirate was of plunder thinking,
> He found both vessels filling and fast sinking."

> "The hot sun blazed upon their naked heads,
> And boiled the blood within them—till some grew
> Mad, and blasphemed and tore their flesh in shreds,
> While others, starving, helped the deed to do.
> Then, weeping in wild mirth, drank the dark gore,
> And cried aloud to God, and shrieked for more."

> "Arm locked in arm, they turned them from the crowd,
> And gazed upon each other.—"

Like the Irishman's portrait, each one of them may be said to be more like than the original.

Turn we now, with a feeling as grateful as "the cool plashing of a plangent wave" to one who is travel-sore, and nearly stifled with the dust of the desert, unto "Athenia of Damascus." Here is a delightful dramatic poem, the flow of whose lines, like that of a mountain rivulet, is pure, limpid, and sparkling.

The subject is too lofty for the modern stage, although with judicious curtailment, it can doubtless be represented with effect. The

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beautiful thoughts and language, with which it is rife, would be lost in recitation; yet it has a sufficiency of incident to keep alive a pleasant interest.

It is deep tragedy. We are trespassing beyond our limits, and can gratify the reader with but one charming extract.

"*Act II.—Scene* 1. *A pleasure-ground in Damascus.* (ATHENIA *alone.*)

"*Ath.* I will not pluck thee from thy parent tree,
Sweet rose of beauty! while the rain-drops hang
O'er thy clear blush their modest ornaments—
Another hour shall glory in thy smile,
And when the daylight dies, the queen of heaven
Shall fold thee in a silver veil of love,
Forgetting her Endymion. Foolish heart!
As if I *loved!*—Yet truly, as I live,
I fear I love the very *thought* of love!
Oh, childish joy—indefinite delight!—
That I should dream so sweetly—and at morn
Find my eyes wet with tears!—

Enter CALOUS.

Cal. [*Embracing her.*] Athenia!
Ath. Thank thee, Heaven!
Cal. What kind indulgent power
Has smiled on Caloûs, that so much bliss
At once should dissipate his darkest gloom,
And make a noon of midnight!
Ath. Thank thee, Heaven!
Cal. Say, then, thou lovest me still, Athenia!
Ath. Love thee! indeed I know not if I love.—
When thou art nigh, I fain would be alone—
And when away, I'm sad and desolate:—
Beshrew this maiden fickleness of thought!
I would not give the treasure of my love
For all the wealth that earth or ocean covers:—
And thou wilt save our altars, Caloûs!
The holy cross, and every dear remain
Of sainted martyr, still inviolate!
So shall we wander in our hours of joy,
On the green margin of life's sunny stream,
With more delight than ever—shall we not?
Cal. What grief can throw a shadow o'er our way,
When love is cloudless?—let thy heart be still,
Young Halcyon, on its marble resting-place!
There is no fear, Athenia, that the foe
Can harm Damascus;—though his arm is strong,
The arm above is stronger—even now,
The victory is ours.
Ath. Alas! Damascus.
Cal. Chase these vain fears!—and dost thou maiden, think,
The soil where Adam trod in majesty—
The land Jehovah guarded, when the fiend
Drove Saul to persecute—and where the light

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And breath of God softened his heart of steel,
Turning his thoughts to pity and to love;
Think'st thou, this consecrated place can yield,
While He is with us, as He e'er has been?—
Ath. His ways are dark, and deeply intricate:
When Heaven was kindest, innocence was lost,
And Paradise gave birth to misery.
Cal. Let not such thoughts plant lilies on thy cheek,
My own Athenia! all will yet be well.
Come, let me bind a chaplet of fresh flowers
To deck thy temples—I will steal an hour
From anxious Care, and sacrifice to Love,
The hopes and wishes I have nursed for thee.—
Not always thus shall be our wayward lot,
To wander here, and steal from Love's rich store
These precious moments of sweet ecstacy!
Not always thus, my girl!—when dove-eyed peace
Spreads her white wings again, the sacred tie
Shall bind our wedded hearts;—till then, my love!
Thy smile shall cheer me on in peril's hour,
With its dear influence!"

After "Athenia" comes "Lancaster," a poem that has many excellencies, and is worthy of the genius of the writer. It is, however, upon his miscellaneous pieces that Mr. Dawes' reputation as a poet mainly depends. The melody of their versification is truly enchanting. The ideas, too, are worthy of such exquisite expression. The public are aware of the beauties of all these productions, for none have been more liberally transferred to our literary journals. We have space for the shortest only.

ART THOU HAPPY, LOVELY LADY?

"Art thou happy, lovely lady,
In the splendour round thee thrown;
Can the jewels that array thee
Bring the peace which must have flown?
By the vows which thou hast spoken,
By the faith which thou hast broken,
I ask of thee no token,
That thy heart is sad and lone.

"There was one that loved thee, Mary!
There was one that fondly kept
A hope which could not vary,
Till in agony it slept.
He loved thee, dearly loved thee,
And thought his passion moved thee,
But disappointment proved thee,
What love has often wept."

Had Mr. Dawes been a common-place poet, or simply a new claimant for distinction, we should have been more prodigal of commendation, and more niggard of blame. Bind up this volume,

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without "Geraldine," and you have an admirable collection of poetry, fit to appear worthily, if not the first, in a "Library of American poets."

Some asinine individual, who must have been as partial to paradoxes as his long-eared archetype to thistles, has taken upon himself to remark that there are few or no materials for romance in America. This critic must be nearly related to the observing person of whom Wordsworth remarks:

> "A primrose by the river's brim
> A yellow primrose was to him,
> And it was nothing more."

It would, perhaps, not be too extravagant to say that the poetical resources of our country are boundless. Nature has here granted every thing to genius which can excite, exalt, enlarge, and ennoble its powers. Nothing is narrow, nothing is confined. All is height, all is expansion. Cliffs throw aloft mighty bastions; mountains lift impregnable parapets to the sky; rivers "roll in majesty;" lakes spread abroad like seas; and prairies meet the wide horizon all around with undulations of magnificent verdure. Here, too, are forests, in whose vast, dim cloisters the mind may feel a sense of loneliness and an overwhelming awe, which no fabrics of human rearing could impart; for here, in ancient days, man came to build his altars and to worship. These trees are glorious columns; their leaves are gorgeous tracery; here is a "majestical roof, fretted with golden fire;"

> "The groves were God's first temples!"

In America, too, are diversities of climate, yielding diversified delights. Here winter erects his palaces of glittering ice; while there spring displays her flowery avenues and her green arcades; here summer shows her silver fountains and her billows of golden grain, when in another region of our vast domain, autumn pours from her exhaustless horn the copious harvest, and transmutes, with a subtle alchemy, the emerald of the woods into ruby and topaz, and

> "All the hues that mingle in the rainbow."

Our history, too, is poetical. Let time but wrap it in his mighty shadows, and what were the fables of old compared to our familiar story! How inspiring, how sublime the contemplation of those few brave hearts who, led by one greater than Leonidas, dared to cast themselves into the rocky defile of freedom, opposed advancing armies, died not, but conquered! The blood tingles and rushes through our veins as we trace these words. Dull, cold, critical as we are, we are almost incited to the utterance of burning thoughts. Shall there, then, be no more poets in our "dear, dear country?" Shall there not be one great poet—that man whose eye can roam over the borders of our land, and see these things of which we have spoken? Needs not the spirit of prophecy answer, "Yes!"

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LORD DURHAM'S REPORT.*

This document is certainly a very able production, and fully merits the high eulogiums which were promptly pronounced upon it by the liberal press of England on its first appearance. It were an ungracious task, and one for which we have but little inclination, to attempt to discriminate nicely, in bestowing this general meed of praise, between the ostensible and, possibly if not probably, the real authors of the Report. It is well known, indeed, that Lord Durham had attached to his commission, in the most confidential relation of advisers and assistants, two or three gentlemen of most consummate ability, as well as of that enlarged and liberal tone of political sentiment which characterizes the present Radical party of England, and which is remarkably transparent through the pages of this document. One of whom, Mr. Turton—whose name is unfortunately darkened nevertheless by an act of domestic immorality which no splendor of abilities can ever redeem, in that healthful moral sense of the community which, at the present day, we rejoice to say, constitutes a large element of that public opinion in which public men live, move, and have their being—has recently received from Lord Brougham, in the House of Lords, a testimonial of eulogy to his distinguished abilities and general integrity of character, which, from such a source, is praise indeed. It is impossible, of course, to ascertain the exact proportions in which the credit of the authorship of this production, which is the general *résumé* and sum total of the whole expedition, is to be distributed between the different individuals whose proper office and duty it was to assist in its production. It is certainly a much abler work, and marked by a much more expansive and liberal view of the principles which have been at work to bring the Canadas to their present miserable pass, than, from his private reputation and his actual course as Governor General, we should have supposed Lord Durham capable of. However, we have no desire to pry behind the scenes into the mysteries of the *coulisses* and the greenroom; and are quite willing to give him the benefit of the old maxim of law, that *de non apparentibus et de non existentibus eadem est ratio*; and will therefore say, the more cheerfully, as we have formerly somewhat strongly expressed our distrust of him, that Lord Durham appears, by this production, a statesman of a high order, of a strong and

* Report on the Affairs of British North America, from the Earl of Durham, her Majesty's High Commissioner, &c. &c. &c. (Presented by her Majesty's command.) *Ordered*, by the House of Commons, *to be printed*, 11th February, 1839.

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comprehensive grasp of mind, and of a liberal, enlightened and philanthropic cast of political character, as well as being equally entitled to the inferior distinction of elegance, vigor and clearness as a writer. It will place him in a very favorable attitude relatively to the liberal party at home; and if he should yet turn out to be the man for the noble and brilliant mission of heading that party in the great work of peaceful, civil revolution in which it is engaged, it will do more than the whole previous course of his public life, to elevate him to that position by proving his competency for it.

We have read the Report with the deepest attention, and with great satisfaction at the full and authoritative testimony which it bears to the general correctness of the views heretofore expressed by the Democratic Review in relation to the Canadas, their past history and future prospects. We by no means regard it as free from imperfections, and recognize in it more than one marked trace of British prejudice, and of the "official" influence by which Lord Durham was surrounded in the Canadas, and by which his actual conduct in his government, however disposed he may have been to keep himself aloof from and above it, was, in point of fact, substantially controlled. It is easy, however, to take these parts with the due allowance; and, with such ample materials of facts and sound views as the Report on the whole presents, to extract, from the very portions in which we can observe the imperfections and errors naturally consequent upon these influences, additional confirmation of the general truths to which, as already remarked, it bears so signal and satisfactory a testimony. In addition to the beneficial influence it is calculated to produce at home, we hope, too, that it will not be without its useful effect, on this side of the water, in putting to shame the flippant ignorance, and the selfish illiberality, which have been so disgracefully exhibited, by a large portion of the American press, in their discourses upon the "pretended grievances" of the Canadians, under the "free and paternal government" of the English ascendency. But, before proceeding to any remarks upon it, it will doubtless be acceptable to our readers that we should lay before them as brief an analysis and summary of the document itself as will suffice to place them in possession of its substance; since its great length (making a document of a hundred and twenty of the large folio pages in which the English parliamentary papers are printed) must make it accessible only to but a very few equal to the undertaking of encountering a state paper of such formidable dimensions. It has not moreover been reprinted in this country, strangely enough we must say, considering the political importance of the document and the interest of the subject to so large a portion of contiguous territory, and the huge amount of English *trash* with which we are daily crammed by our publishers.

The Report is divided into several distinct portions, under the following titles: 1st, Lower Canada; 2d, Upper Canada; 3d, the Eastern Provinces and Newfoundland; 4th, Disposal of Public Lands. 5th, Emigration,—followed by a general conclusion, recapitulating the outlines of the ground already gone over, and developing the plan of re-organization of the colonies which he proposes, as the only possible remedy for the accumulated disorders which have grown out of a long course of misgovernment, dating back from the conquest of the country. To the whole is added an Appendix, of upwards of sixty pages, containing various illustrative documents, and the addresses of public bodies to Lord Durham on the occasion of his retirement.

1. In the portion relating to *Lower Canada*, the Report sets out with the statement, that the struggle which has so long agitated the Province is not a mere political contest between the people and government, as he had supposed. Bad as the institutions of the Province were, and serious as were those "defects, in the spirit and practice of the administration in every department of the government, that were quite sufficient to account for a great degree of mismanagement and dissatisfaction," yet for the peculiar and disastrous dissensions of this Province, he soon became satisfied that there existed "a far deeper and more efficient cause,—a cause which penetrated beneath its political institutions into its social state,—a cause which no reform of constitution or laws, that should leave the elements of society unaltered, could remove; but which must be removed, ere any success could be expected in any attempt to remedy the many grievances of this unhappy Province. I expected" says Lord Durham, "to find a contest between a government and a people. I found two nations warring in the bosom of a single State; I found a struggle, not of principles, but of races; and I perceived that it would be idle to attempt any amelioration of laws or institutions, until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English."

He then devotes a large portion of the reoprt to the object of proving and illustrating this position. He says that this national hostility is not a mere aggravation of political discontents; but that all the particular dissensions that arise are bnt forms of this constant and all-pervading quarrel; and that every contest is one of French and English in the outset, or becomes so ere it has run its course. He acknowledges that it is only of late years that this national hostility has assumed its permanent influence; that "the names of some of the prominent leaders of the rebellion mark their English, while those of some of the most unpopular supporters of the Government denote their French, origin; and that the representatives, if not of

an actual majority, (as has occasionally been asserted,) at any rate of a large proportion of the purely English population, have been found constantly voting with the majority of the Assembly against what is called the British party." But he considers that such results have been chiefly produced by temporary and local causes; and that the tendency of the English population has been constantly increasing towards the support of the Government, the ancient English leaders of the popular party, one by one, falling off from the majority, and every election in the eastern townships adding to the "English minority." It should here be observed, however, that Lord Durham is not able, even in these townships, "removed," as he styles them, "from all contact with the French," to give to the Government party any other designation than "the English *minority*." The "insurrection," as he terms it, "of 1837, has completed the division; and since the resort to arms the two races have been, he says, distinctly and completely arrayed against each other, no portion of the English population being backward in taking arms in defence of the Government, and no portion of the Canadian population being allowed to do so, from the certainty that they would turn them against it.

The report then proceeds to draw a general outline of the long civil struggle of parties, based, as he states, on the ground of this national animosity—a ground which both parties, he says, disclaim, as "too revolting to the notions of good sense and charity prevalent in the civilized world." And Lord Durham undertakes to draw a nice distinction, to which it is very difficult to yield assent, between the *means* and the *objects* of the respective parties. The French Canadians, he says, "being a majority, have invoked the principles of popular control and Democracy, and appealed with no little effect to the sympathy of liberal politicians in every quarter of the world. The English, finding their opponents in collision with the Government, have raised the cry of loyalty and attachment to British connexion, and denounced the republican designs of the French, whom they designate, or rather used to designate, by the appellation of Radicals." "The French majority asserted the most Democratic doctrines of the rights of a numerical majority. The English minority availed itself of the protection of the prerogative, and allied itself with all those of the colonial institutions which enabled the few to resist the will of the many. But," continues the Report, "when we look to the object of each party, the analogy to our politics seems to be lost, if not actually reversed; the French appear to have used their Democratic arms for Conservative purposes, rather than those of liberal and enlightened movement; and the sympathies of the friends of reform are naturally enlisted on the side of sound amelioration, which the English minority in vain attempted to introduce into the antiquated laws of the Province."

What is this, but the old threadbare excuse of all aristocracies and oligarchies for resisting the demand of popular reform?

The instance which he cites in illustration of this assertion, is the Assembly's refusal to establish registry offices, and to commute the feudal tenures; yet at the same time he acknowledges that it was among the ablest and most influential leaders of the English that he found some of the opponents of both the proposed reforms; that the leaders of the French were anxious to disclaim any hostility to these reforms themselves, the reluctance heretofore exhibited by the Assembly to entertain these questions being but the result of the "extraordinary influence" over it of Mr. Papineau; that the mass of the French population strongly desired them, and that these very reforms were among the prominent objects held out as popular inducements by the leaders of the late insurrectionary movements. From these double "inconsistencies" Lord Durham does not derive the inference, that the representations by which he found himself surrounded, of the anti-liberal character of the policy of the popular party, might possibly be unjust; but merely an evidence and illustration of the favorite idea which he has (very erroneously in our opinion) made his point of departure. "I cannot but think," he remarks, "that many, both of the supporters and the opponents, cared less for the measures themselves, than for the handle which the agitation of them gave to their national hostility; that the Assembly resisted these charges chiefly because the English desired them; and that the eagerness with which many of the English urged them was stimulated by finding them opposed by the French."

He describes the main body of the English population as enterprising, industrious, intelligent, active, and, though constantly professing a somewhat extravagant loyalty and high prerogative doctrines, yet as composing "a very independent, but very manageable, and sometimes a rather turbulent Democracy"—"very determined on maintaining in their own person a great respect for popular rights, and singularly ready to enforce their wishes by the strongest means of constitutional pressure on the Government." And with respect to the comparative national conditions of the two, he says:

"The ascendency which an unjust favoritism had contributed to give to the English race in the government and legal profession, their own superior energy, skill, and capital, secured to them in every branch of industry. They have developed the resources of the country; they have constructed or improved its means of communication; they have created its internal and foreign commerce. The entire wholesale, and a large portion of the retail trade of the Province, with the most profitable and flourishing farms, are now in the hands of this numerical minority of the population."

He represents the Canadians as "an utterly uneducated and singularly inert population, implicitly obeying leaders who ruled them by the influence of a blind confidence and narrow national prejudices"—"mild and kindly, frugal, industrious, and honest; very

sociable, cheerful and hospitable, and distinguished for a courtesy and real politeness, which pervades every class of society;" but an uninstructed, inactive, unprogressive people"—"an old and stationary society, in a new and progressive world." At the same time, he ascribes the responsibility of this state of things, so far as it may be true, to "the continued negligence of the British Government," which "has left the mass of the people without any of the institutions which would have elevated them in freedom and civilization"—which "has left them, without the education, and without the institutions of local self-government, that would have assimilated their character and habits, in the easiest and best way, to those of the Empire of which they became a part." There exists among them a remarkable equality of properties and conditions. "A few seignorial families possess large, though not often very valuable properties; the class entirely dependent on wages is very small; the bulk of the population is composed of the hard-working yeomanry of the country districts, commonly called *habitans*, and their connexions engaged in other occupations." Among these he says, that "it is impossible to exaggerate the want of education." "The common assertion, however, that all classes of the Canadians are equally ignorant, is perfectly erroneous"—for, he says, he knows no people among whom the higher kinds of elementary education are really extended to a larger proportion of the population; so that on a comparison of the two portions of the population it has resulted, even now, that, although the leaders of the British party possess "a practical sagacity, tact, and energy in politics," in which their opponents are said to be "deplorably deficient," yet "the greater amount of refinement, of speculative thought, and of the knowledge that books can give," the Report is forced to admit, "is, with some brilliant exceptions, to be found among the French"*—the countrymen and brethren of these much-

* In this place we take pleasure in recording a passing tribute of admiration to the distinguished accomplishments of a gentleman who has been made the object of a great deal of flippant and ignorant abuse by the *English* portion of our American press—and our readers need not be told to how large a proportion of the Whig press, especially of our commercial cities, this designation is properly applicable. We refer to Mr. PAPINEAU, who by common consent may be regarded as *the representative* of the French Canadian population. From some considerable opportunity of knowledge and personal judgment, we are fully justified in saying, that Mr. Papineau is one of the first men of the times. Amiable, polished, and courteous, his acquisitions are on a par with his eminent natural power and capacity of intellect. It is difficult to start a subject of conversation, in any department of literature, science, or politics, on which he does seem peculiarly qualified to shine—and that not by the slightest seeming effort or desire for display, but as luminous bodies shine, in all directions, simply because such is the law of their nature. His language is (in the English, as much as his native tongue) remarkably elegant, precise, and forcible, while perfectly easy and natural; rendering him; with the vigorous clearness of the tide of thought which flows transparently through his conversation, one of the most eloquent and persuasive of speakers. When to these attributes we add

abused Canadians. For this, little thanks are due to the British Government; but to "the piety and benevolence of the early [French] possessors of the country," who founded in the seminaries and colleges established in the cities, and in other central points, institutions of which the well-endowed means have been actively directed, in the hands of the Catholic clergy, to the promotion of education, and which turn out every year between two and three hundred highly educated young men. Almost all of these are members of the family of some habitan, selected for superior quickness for a superior education; who return to their families, and (—the military and naval professions, and every avenue of civil ambition, being closed to the colonist—) contribute to swell the already vastly over-stocked professions of advocate, notary and surgeon. In this state of things he finds the solution of what he terms "the extraordinary influence of the Canadian demagogues,"—

"Thus the persons of most education in every village belong to the same families and the same original station in life, as the illiterate habitan whom I have described. They are connected with them by all the associations of early youth, and the ties of blood. The most perfect equality always marks their intercourse, and the superior in education is separated by no barrier of manners, or pride, or distinct interests, from the singularly ignorant peasantry by which he is surrounded. He combines, therefore, the influences of superior knowledge and social equality, and wields a power over the mass, which I do not believe that the educated class of any other portion of the world possess. To this singular state of things I attribute the extraordinary influence of the Canadian demagogues. The most uninstructed population any where trusted with political power is thus placed in the hands of a small body of instructed persons, in which it reposes the confidence which nothing but such domestic connexion, and such a community of interests, could generate. Over the class of persons, by whom the peasantry are thus led, the Government has not acquired or ever labored to acquire influence; its members have been thrown into opposition by the system of exclusion, long prevalent in the colony; and it is by

great simplicity and kindness, both of character and manners—a perfect purity of domestic life—a rare generosity and philosophic candor towards his opponents, as remarkably transparent in his conversation under circumstances little calculated to foster such a tone of sentiment—an earnest patriotism—an incorruptible integrity, both of private and public character—all the severe virtue (to quote an expression of one who was no blindly partial judge) of a Cato, with a mind deeply imbued with the spirit of the liberal political philosophy of the age—we shall not be surprised at what Lord Durham styles "the extraordinary influence" such a man has been able for many years to exert in the Assembly of Lower Canada; though it by no means follows that these qualities which have made him so consummate a parliamentarian should make the same individual exactly the man for a physical revolution. It was the remark of a distinguished American Senator, founded on an acquaintance dating many years back, that he had never met with a foreigner so thoroughly conversant with the history, the literature, the principles and the men of our American politics, as Mr. Papineau; and we may here allude, in passing, to the fact that Mr. Papineau's opinions fully sustain and sympathize with the general policy of the late and present Democratic Administrations, with which he is very familiar, and especially in the great struggle for a financial reform, vitally important to the best interests, moral and material, of the country, in which both have been so deeply engaged.

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their agency that the leaders of the Assembly have been enabled hitherto to move as one mass, in whatever direction they thought proper, the simple and ductile population of the country. The entire neglect of education by the Government has thus, more than any other cause, contributed to render this people ungovernable, and to invest the agitator with the power which he wields against the law and the public tranquillity."

On this subject of education, the testimony of Lord Durham fastens a scalding responsibility on the long course of British Colonial misrule, which has produced a result of general popular ignorance so little in accordance with either the natural tendency or capacity of the native population. That the Canadians are not in fault, is evident from his own admissions. "The people themselves," he says "are not indifferent, or opposed to such a scheme," (the establishment of a general and sound system of education.) "I was rejoiced that there existed among the French population a very general and a great desire to provide means for giving their children those advantages which had been denied to themselves," and "the population of either origin would be willing to submit to local assessments for this purpose." The following is all the credit which he is able to give the Government for what it has done towards the discharge of this highest of the duties of legislation:

"I am grieved to be obliged to remark, that the British Government has, since its possession of this province, done or even attempted *nothing* for the promotion of general education. Indeed the only matter in which it has appeared in connexion with the subject, is one by no means creditable to it. For it has applied the Jesuits' estates, part of the property destined for purposes of education, to supply a species of fund for secret service, and for a number of years it has maintained an obstinate struggle with the assembly in order to continue this misappropriation."

The following extract sheds a strong light upon the origin and growth of that "national hostility" of which he treats, again casting on the "British ascendancy" a disgraceful responsibility for all the consequences of disorder, with even the mutual errors and wrongs on points of detail which naturally grow out of such civil discussions:

"Among this people, the progress of emigration has of late years introduced an English population, exhibiting the characteristics with which we are familiar, as those of the most enterprising of every class of our countrymen. The circumstances of the early colonial administration excluded the native Canadian from power, and vested all offices of trust and emolument in the hands of strangers of English origin. The highest posts in the law were confined to the same class of persons. The functionaries of the civil government, together with the officers of the army, composed a kind of privileged class, occupying the first place in the community, and excluding the higher class of the natives from society, as well as from the government of their own country. It was not till within a very few years, as was testified by persons who had seen much of the country, that this society of civil and military functionaries ceased to exhibit towards the higher order of Canadians an exclusiveness of demeanor, which was more revolting to a sensitive and polite people than the monopoly of power and profit: nor was this national favoritism discontinued, until after repeated complaints and an angry contest, which had excited passions that concession could not allay. The races had become enemies ere a tardy justice was extorted: and even then the Government discovered a mode of

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distributing its patronage among the Canadians, which was quite as offensive to that people as their previous exclusion."

He then proceeds to illustrate further this point of "national hostility" by the separate education of youth—the difference of language, leaving both parties subject to much misconception and misrepresentation of each other—the almost total absence of social intercourse between the races—the extreme rarity of intermarriages (though formerly this was not the case)—a marked division of society, preventing the conflicting opinions which divide it from coming into direct contact, in political personal controversies—and the total want of combination for public objects. "They cannot harmonize," says the Report, "even in associations of charity. The only public occasion on which they ever meet is in the jury-box; and there they meet only to the utter obstruction of justice."

There is but little sympathy, Lord Durham says, between the bulk of the English population and the "Officials," as the clique is termed, which has been from time immemorial in possession of the Executive Government; and he thus states the cause which has thrown them into a singular alliance. The Assembly were thought to exhibit a jealousy of the influx and success of the English; and instead of promoting emigration, enterprise and the accumulation of wealth, rather to incline to cast obstacles in their way. The English were for urging on extensive schemes of internal improvement, as the first object to which all the efforts of legislation should direct themselves; while the Assembly refused to increase the burthens of the country by imposing taxes to meet such proposed expenditures, or to direct to that object any of the funds formerly devoted to other purposes. Some of the works, indeed, which the assembly authorized and encouraged, were undertaken on a scale of due moderation, and successfully perfected. But to the great work of rendering the St. Lawrence and the Ottawa navigable through their whole extent, they exhibited, it is stated, an invincible repugnance—though, the Report continues:

"It is true that there was considerable foundation for their objections to the plan on which the Legislature of Upper Canada had commenced some of these works, and to the mode in which it had carried them on; but the English complained, that, instead of profiting by the experience which they might have derived from this source, the Assembly seemed only to make its objections a pretext for doing nothing. The applications for banks, railroads and canals were laid on one side until some general measures could be adopted with regard to such undertakings; but the general measures thus promised were never passed, and the particular enterprises in question were prevented. The adoption of a registry was refused on the alleged ground of its inconsistency with the French institutions of the Province, and no measure to attain this desirable end, in a less obnoxious mode, was prepared by the leaders of the Assembly. The feudal tenure was supported, as a mild and just provision for the settlement of a new country; a kind of assurance given by a committee of the Assembly, that some step should be taken to remove the most injurious incidents of their seignoral tenure, produced no practical results; and the enterprises of the English were still thwarted by the obnoxious laws of the country."

The Assembly being at the same time in collision with the Executive Government, the latter gladly threw itself on this powerful and energetic minority; who combined with it from perfectly different motives, and with perfectly different objects, against a common enemy.

"The English desired reform and liberal measures from the Assembly, which refused them, while it was urging other reforms and demanding other liberal measures from the Executive Government. The Assembly complained of the oppressive use of the power of the Executive; the English complained that they, a minority, suffered under the oppressive use to which power was turned by the French majority. Thus a bold and intelligent Democracy was impelled, by its impatience for liberal measures, joined to its national antipathies, to make common cause with a government which was at issue with the majority on the question of popular rights. The actual conflict commenced by a collision between the Executive and the French majority: and as the English population rallied round the Government, supported its pretensions, and designated themselves by the appellation of "loyal," the causes of the quarrel were naturally supposed to be much more simple than they really were; and the extent of the division which existed among the inhabitants of Lower Canada, the number and nature of the combatants arrayed on each side, and the irremediable nature of the dispute, were concealed from the public view."

And after the armed collision into which the two races have been brought,* with all "the melancholy scenes exhibited in the progress of the contest, or the fierce passions which held an unchecked sway during the insurrection, or immediately after its suppression," the following is the picture which he draws of the present relative attitudes of the two portions of the population:

"Removed from all actual share in the government of their country, they brood in sullen silence over the memory of their fallen countrymen, of their burnt villages, of their ruined property, of their extinguished ascendency, and of their humbled nationality. To the Government and the English they ascribe these wrongs, and nourish against both an indiscriminating and eternal animosity. Nor have the English inhabitants forgotten in their triumph the terror with which they suddenly saw themselves surrounded by an insurgent majority, and the incidents which alone appeared to save them from the unchecked domination of their antagonists. They find themselves still a minority in the midst of a hostile and organized people; ap-

* Lord Durham calls this collision a "treasonable attempt of the French party to carry its political objects into effect by an appeal to arms." This, we are satisfied, is entirely unjust and untrue. It is true that events were rapidly ripening towards that consummation, and this whole Report teems with abundant evidence of accumulated misgovernment and oppression on the part of the British ascendency fully to justify the resort to the *ultima ratio* of "the divine right of insurrection," to cast off so burthensome and galling a thraldom of foreign dominion. But we have amply shown, in our former Articles on this subject, that it is *upon the Government party* that the responsibility of the outbreak of November, 1837, properly rests. There was no contemplation of, and not the slightest preparation for, an immediate "appeal to arms." This is an all-important point in the consideration of this general subject, and we beg our readers to bear it fully in mind. We have met with no attempts entitled to notice, to controvert the evidence and statements, establishing this point, contained in our former Articles, and therefore are not called upon at present for any further illustration of it, but are entitled to assume it as proved and established.

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prehensions of secret conspiracies and sanguinary designs haunt them unceasingly, and their only hope of safety is supposed to rest on systematically terrifying and disabling the French, and in preventing a majority of that race from ever again being predominant in any portion of the legislature of the province." * * * * "Never again will the present generation of French Canadians yield a loyal submission to a British Government; never again will the English population tolerate the authority of a House of Assembly, in which the French shall possess or even approximate to a majority."

And with respect to the material condition of the Province, he speaks of the tranquillity and happiness of families destroyed—the value of property alarmingly depreciated—the improvement and settlement of the country arrested—a great diminution of the wealth of the country and of the public revenue—the importation of grain for domestic consumption, instead of its exportation as formerly—a general insecurity both of person and property—a paralysis of a large portion of the industry and capital of the country—and a great diminution of the influx of emigrants, once so considerable. In 1832 the number of emigrants who landed at the port of Quebec amounted to 52,000; in 1837 it had fallen to 22,000; and in 1838 it did not amount to 5,000,—without taking into account the serious drain of emigration *from* the Province to the United States.

The animosity thus generated, he states that there is not the slightest chance of putting an end to, during the present generation. It has entirely overcome their ancient national antipathy to the people of the United States, and he has no doubt "that an invading American army might rely on the coöperation of almost the entire French population of Lower Canada." The Report also admits "the growth of an alarming state of feeling among the English population" themselves—a dissatisfaction with home the government, and a jealousy of every measure of clemency or even justice towards their opponents, "as indicating a disposition towards that conciliatory policy which is the subject of their angry recollection; for they feel that, being a minority, any return to the due course of constitutional government would again subject them to a French majority;"—and notwithstanding the late exasperation of the Canadian loyalists against the American people and government, there is "a strong under-current of an exactly contrary feeling;" and he significantly intimates that the English population are disposed to contemplate with great favor an annexation to our Union, confident that the influx of American emigration would soon give the predominance to the English race, as in Louisiana, and that they and their posterity would share in that amazing progress, and that great material prosperity which every day's experience shows them is the lot of the people of the United States."

The evils of this conflict of races have been aggravated by the conduct of the Government. Liberal institutions and a prudent

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policy would at any rate have softened its character, and brought it more speedily to a more decisive and peaceful conclusion. "Unhappily, however," says the Report, "the system of Government pursued in Lower Canada has been based on the policy of perpetuating that very separation of the races, and encouraging those very notions of conflicting nationalities which it ought to have been the first and chief care of Government to check and extinguish"—and thus we again return to British colonial misgovernment, as still the *prima mali labes*. For the purpose of arresting the further dismemberment of the Empire, it became the policy of the Government "to isolate the inhabitants of the British from those of the revolted colonies; and "to cultivate the nationality of the French Canadians, as a means of perpetual and entire separation from their neighbors," and at the same time "to break them down as much as possible into petty isolated communities."

The French language, laws, and religious institutions were retained; all grants of land, even to the refugee loyalists, and the military bounties, were directed to be made in fief and seigniory, and Canada was divided into two Provinces—the settled portion being allotted to the French, and the unsettled being destined to become the seat of British colonization. And "thus," continues the Report,—

"Instead of availing itself of the means which the extent and nature of the Province afforded for the gradual introduction of such an English population into its various parts as might have easily placed the French in a minority, the Government deliberately constituted the French into a majority, and recognized and strengthened their distinct national character. Had the sounder policy of making the Province English, in all its institutions, been adopted from the first, and steadily persevered in, the French would probably have been speedily outnumbered, and the beneficial operation of the free institutions of England would never have been impeded by the animosities of origin."

The subsequent course of Government has been calculated to multiply and aggravate the evils of which it thus so carefully planted and fostered the seed. It has been a series of inconsistencies and vacillations, fruitful of the most pernicious consequences, with alternate concessions to the contending races, irritating both, impairing its own authority, and, by keeping alive the hopes of a French nationality—at the same time that it brought an influx of English emigration into direct contact with it, even in the province allotted to the French, without any provision for an easy and natural amalgamation—counteracting the influences which might, ere this, have brought the quarrel to its natural and necessary termination.

We have thus followed Lord Durham through his development of this which he makes his cardinal idea, in relation to Lower Canada. Yet, even if we had no other testimony, his own report abounds with satisfactory evidence that *it is an erroneous one.* No

doubt, indeed, this "national animosity" does now exist, as an actual fact, though we have also no doubt that the permanency of the feeling is greatly exaggerated in Lord Durham's view, even if its present intensity is not. This has long been a favorite idea with the Government party in Lower Canada, both as a supposed justification of its hostile policy towards the French majority, and as calculated to unite the whole insurgent population under the banner of Anglo-Saxon nationality, at the same time to secure the sympathy and support of the English people and the Home Government. They have succeeded in impressing it upon Lord Durham; though we must say that, in his elaborate development of this idea, he appears to be striving no less earnestly to convince himself than his reader. Here we see the Englishman, and the good old English prejudice and pride, which no superadded cosmopolitan liberality, of a political school but little congenial to a proud English aristocrat, can ever overcome, though it may attempt to disperse it. He was the rather induced, probably, to fall in with this idea, as affording a tolerable middle ground from which he might venture to pronounce on the Government party all the severe condemnation with which the report abounds, without carrying with it that full force of personal condemnation which their manifest gross misconduct and misrule would properly deserve. But ingenious as are his efforts to impose upon himself and the British public with this idea, it is apparent, on the face of the report itself, that he is committing the error common to many more superficial inquirers than the author of this document, of confounding between the *consequences* of misrule and the *cause* of public disorder. His own partial consciousness of the difficulty of the task of thus persuading either himself or other people, shows itself in the following remark at the close of this part of the subject. Positive as he declares his conviction to be of the truth of this idea, yet still, after all, he feels compelled to add:

"It is impossible to determine precisely the respective effects of the social and political causes. The struggle between the Government and the Assembly has aggravated the animosities of race, and the animosities of race have rendered the political difference irreconcileable."

And again, the implied acknowledgment that the "national animosity" was but the consequence of a long course of oppressive misgovernment, peeps forth in the admission that "that contest has arisen by degrees," and that it was "not until the development of representative Government had placed substantial power in the hands of the people, that that people divided itself into races, arrayed against each other in intense and enduring animosity."

Now who is there that is acquainted with the history of Ireland but has seen the same causes producing similar effects to those which we witness to-day in Canada? In the former country the law and the favors of Government made two classes—the oppressed

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and the oppressors. "Protestant ascendancy" was the *shibboleth* there, as "British ascendancy" is the *shibboleth* in the Lower Province, and the same state of things followed in Ireland that Lord Durham describes to exist in the country he has just left. Protestants and Catholics neither ate together, nor drank together, nor intermarried. They seldom or never met in the same political assembly, nor in the same church, nor in the same social circle, nor at the same charity. In the words of the report already quoted, "the only public occasion on which they ever came together was in the jury room, and they met there only to the utter obstruction of justice." But the moment political and legal inequality began to be removed, this unfriendly disposition also began to disappear, and its continuance steadily keeps pace with the existence of those partial enactments which first engendered it. That difference of race cannot be the cause of all the hatred between the French and the English is manifest, when we turn our eyes on Louisiana. There the same "races" exist, but even Lord D. himself admits that there is no rancorous feeling between them. Why? Because the law has made no distinction between them. The accident of language is no recommendation or disqualification for office. The same observation will apply to several portions of the Union, especially to Pennsylvania and Ohio, where a large, if not a preponderating portion of the population is German, many of whom do not even speak the English language. Yet difference of race has never formed the basis on which public justice or public patronage is distributed; for it has long since been wisely concluded in this country that the authorities have no more to do with the language a citizen pleases to speak, than with the creed he chooses to profess, or the color of the coat he prefers to wear, further than to provide him the means of instruction in that tongue with which he is most familiar, and to enable him to know the laws he has to obey, by having them printed in the language with which he is acquainted. Lord Durham himself is forced to acknowledge, somewhat in contradiction with his first impressions we allow, that the difference of race, on which he harps so much, after all, goes for very little in producing the general disorganization which he has depicted. He says:

"It is impossible to observe the great similarity of the constitutions established in all our North American Provinces, and the striking tendency of all to terminate in pretty nearly the same result, without entertaining a belief that some defect in the form of Government, and some erroneous principle of administration, have been common to all: the hostility of the races being *palpably insufficient* to account for all the evils which have affected Lower Canada, inasmuch as nearly the same results have been exhibited among the homogeneous population of the other Provinces. It is but too evident that Lower Canada, or the two Canadas, have not alone exhibited repeated conflicts between the executive and the popular branches of the Legislature. The representative body of Upper Canada was, before the last election, hostile to the policy of the Government; the most serious discontents have only recently been

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calmed in New Brunswick and Prince Edward's Island.* The Government is still, I believe, in a minority in the lower House in Nova Scotia,† and the dissensions of Newfoundland are hardly less violent than those of the Canadas. It may be fairly said, that the natural state of Government, in all the colonies, is that of collision between the executive and representative body. In all of them the administration of public affairs is habitually confined to those who do not coöperate harmoniously with the popular branch of the Legislature, and the Government is constantly proposing measures which the majority of the Assembly reject, and refusing to assent to bills which that body has passed."

Our space will not permit us to carry our readers through the historical sketch which Lord Durham then presents of the rise and progress of the long civil struggle between the Government and Assembly; in which the latter was struggling to obtain, step by step, the power properly inherent in a representative popular assembly, of controlling the public revenue, which it attained, after a long and desperate struggle, in 1832. Yet still with this came not the slightest control over the colonial Government, or over the nomination of a single one of the public officers by whom the policy of its Legislature was to be carried into execution. The different Governors who came out fell, as a matter of course and of necessity, under the entire control of the established "official influence," and were speedily brought into angry collision with the Assembly, and thus continues the report:

"Thus, every successive year consolidated and enlarged the strength of the ruling party. Fortified by family connexion, and the common interest felt by all who held and all who desired subordinate offices, that party was thus erected into a solid and permanent power, controlled by no responsibility, subject to no serious change, exercising over the whole government of the Province an authority utterly independent of the people and its representation, and possessing the only means of influencing either the Government at home, or the colonial representatives of the Crown."

He thus sums up his views of the course and conduct of the Assembly:

"From the commencement, therefore, to the end of the disputes which mark the whole Parliamentary history of Lower Canada, I look on the conduct of the Assembly as a constant warfare with the Executive, for the purpose of obtaining the powers inherent in a representative body by the very nature of representative government. It was to accomplish this purpose that it used every means in its power; but it must be censured for having, in pursuit of this object, perverted its powers of legislation, and disturbed the whole working of the constitution. It made the busi-

* The discontents on P. E. Island are not yet calmed. The Assembly of that Province passed last February, by a majority of three to one, a report insisting on the necessity of rendering the Legislative Council of the island elective—a demand which was one of the articles of impeachment which resulted in the suspension of the Canadian constitution.

† The Governor and Assembly of Nova Scotia have recently quarrelled on the old subject, money matters. The representatives have, in consequence, been petulantly, in the old fashion, sent about their business. As we write, moreover, intelligence has been received from England, that the Ministry have resolved on disfranchising the ancient and loyal colony of Jamaica, and have actually brought in a bill to suspend the functions of the Legislature for five years, and to "govern" the island by royal commissioners in the interim.

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ness of legislation, and the practical improvement of the country, subordinate to its struggle for power, and, being denied its legitimate privileges, it endeavored to extend its authority in modes totally incompatible with the principles of constitutional liberty."

Whether the Assembly was not perfectly right in this "struggle for power," and of availing itself of every possible expedient, and of every constitutional form, even to the point of what their opponents would term an "abuse" of them, there will scarcely, we imagine, be two opinions among our readers. The conflict with the Executive Government embraced of course the Legislative Council, of which the majority was always composed of members of the party which conducted the Executive Government, and of which Lord Durham frankly admits that its composition was "such as could give it no weight with the people," and that it "was practically hardly any thing but a veto in the hands of public functionaries on all the acts of that popular branch of the Legislature in which they were always in a minority. This veto," he rather pithily adds, "they used without much scruple." The instances which he cites of the "systematic abuse of constitutional forms" are, first, an attempt to give the force of law to the resolutions of the Assembly, by declaring the seat of a member who had been appointed an executive Councillor to be vacated, though the Legislative Council had rejected a bill passed by it to operate generally to vacate the seats of members on the acceptance of office under the crown; secondly, the habitual practice of "tacking" together, under one enactment, bills which they expected to be thus "vetoed," with other bills of necessity; and in the renewal of expiring laws;—of including in one and the same bill all those acts, and those acts only, which it approved, and compelling the Council and Governors either to accept or reject the whole, without choice or discrimination; thirdly, the practice of the dispersion of the members to their homes, towards the close of every recent session, so as to break up the quorum without waiting to be prorogued, immediately after sending up a number of bills to the Council, leaving it no opportunity of proposing amendments, and no option but that of rejecting or confirming by wholesale the measures of the Assembly; fourthly, the alleged abuses of Legislative power in the distribution of money for works of public improvement, which, in the total absence of local municipal institutions, depend entirely upon the colonial Legislature. This, it is charged, has been made a means of political patronage, aad as a means of obtaining influence over constituencies—hostile counties being tempted or coerced into submission to the policy of the majority by the impossibility of procuring necessary improvements on any other terms. Upon this charge, which Lord Durham does not endorse, he merely remarks, that "whether it be true or false that the abuse was ever carried to such a pitch, it is obviously one which might have been easily and

safely perpetrated by a person possessing Mr. Papineau's influence in the Assembly." The grants for education constituted also, it is said, another bold and extensive attempt for erecting a system of patronage independent of the Government. The amount thus dispensed was about £25,000 per annum, equal to nearly half the ordinary civil expenditure of the Province. For refusing to renew the act regulating these, and for thus suddenly stopping upwards of one thousand schools, and depriving of education no less than forty thousand scholars, the Legislative Council have been most severely reproached. Lord Durham justifies that body, on the grounds of the misapplication of the funds by the county members, in whose hands the superintendence and patronage of these schools had been, by the expired law, vested—that there was no accountability—and that, as there existed no sufficient supply of teachers in the Province, they filled up the appointments with persons utterly and obviously incompetent—and that the whole system was, in fine, a gross political abuse, the appointments being jobbed by the members among their political partizans. We leave it to our readers, without remark, to judge of the sufficiency of such alleged partizan reasons by an avowed oligarchy, engaged in a hostile struggle with the great mass of a people, for thus suddenly, at one general sweep, arresting the education of the whole population against whom they are accustomed to charge their "ignorance" as the head and front of their offending—even conceding their truth, which is earnestly denied on the other side.

He then proceeds to describe the state of thorough disorganization of all the institutions of the Province, consequent on the natural neglect of good legislation in such a contest for power, remarking that—

"The time which should have been devoted to wise legislation, was spent in a contest for power between the Executive aud the people, which a wise Executive would have stopped at the outset, by submitting to a legitimate responsibility, and which a wise people would have ceased to press, when it had virtually obtained its end."

This is certainly very true, while it conveys, at the same time, a severe censure to the Government, and a virtual acquittal of the Assembly from the responsibility of these unhappy consequences of perpetual and embittered civil dissensions; for Lord Durham throughout fully admits, that the latter never did "attain its end" of compelling the Government to "submit to a legitimate responsibility."

The defective system of Government, from the effects of which the Province is now so severely suffering, commences at the very source of power. "The fact is," says Lord Durham, "according to the present system, there is no real representative of the Crown in the Province; there is in it literally no power which originates and conducts the Executive Government." We often hear of "his

excellency the Governor-in-chief," but "he is in fact a mere subordinate officer," receiving his orders from another subordinate, in some back office, in some back street in London, who never saw the unfortunate colony over which he is suddenly called to preside, and is "disqualified" for the office he is called on to fill, "first, by want of local information, and very often," adds Lord Durham, "by an entire absence of all acquaintance with the business of civil Government." From the difficulties of the position in which the Governor is thrown, it naturally "has been the tendency of the local Government to settle every thing by reference to the colonial Government in Downing street." And the following bears Lord Durham's testimony to those advantages of colonial Government from a mother country three thousand miles distant, and dependent on the vicissitudes of parties and politics "at home," as it is termed, to which so many of the descendants of the authors of *our* revolution are now surprised and indignant that the Canadians should be so ungratefully insensible: "In every crisis of danger, and almost every detail of local management," says the report, "the colony has felt the mischief of having its executive authority exercised on the other side of the Atlantic." The emphatic force of the general testimony will preclude the necessity of our giving any of the illustrations of its truth, which will readily suggest themselves to every reader. A general want of proper responsibility is represented as extending through all the leading branches of administration. The real and sole advisers of the Governor have, in fact, been, says Lord Durham, the Executive Council; "and an institution more singularly calculated for preventing the responsibility of the acts of Government resting in any body can hardly be imagined." One of the constant demands of the Assembly has been the responsibility of the executive council, as well as the election of the legislative council by the people; and behold, Lord Durham testifies to the propriety of the demand, by proposing totally "to alter the working of this cumbrous machine, and place the business of the various departments of the Government in the hands of competent [and responsible] public officers."

There is scarcely any regular administration at all in the rural districts out of Quebec, and two or three other principal places—no sheriffs, mayors, constables, or public functionaries of any kind, except the justices of the peace; the total disorganization of the militia has put an end even to the officers of militia, who formerly used to be employed (voluntarily and not very assiduously) for certain purposes of police; no municipal institutions—the Government even appearing "to have discouraged the American settlers from introducing their own municipal institutions by common assent."

The administration of justice is described as difficult, expensive,

and exceedingly embarrassed by ill-defined and often conflicting law, and imperfect provision for its proper dispensation. The petty local tribunals of commissioners of small causes are represented as being, from the method of their constitution, considerably worse than nothing at all. The Executive Council has been the court of appeals—a political, unprofessional, and utterly incompetent body. The provisions for the administration of criminal justice are quite as bad. The people have not the slightest confidence in it. There is no jury-law now in existence in the Province, and the selection of juries is entirely in the hands of the Executive, through the sheriffs of the judicial districts, political partizans holding lucrative offices under the Government.

"The French complain," says the report, "that the institution of both grand and petit juries have been repeatedly tampered with against them. They complain that when it has suited the interests of the Government to protect persons guilty of gross offences against the French party, they have attained their end by packing the grand jury;" and they cite some very strong cases, to one of which Lord Durham alludes, on the occasion of an election riot in Montreal, in 1832, when the troops fired upon the people and killed three of them, when a most unblushingly packed grand jury threw out the indictment which was preferred against the magistrates and officers who ordered the troops to fire, and quashed all judicial investigation into the circumstances! Nor does the discontent of the people, with the mode in which this vital institution is administered, stop here:

"The French Canadians further complain that the favorable decision of a grand jury was of no avail to those who had fallen under the displeasure of the Government. There are several instances in the recent history of Lower Canada, in which an attorney-general, being dissatisfied with the conduct of the grand jury in ignoring a bill, either repeatedly preferred indictments for the same offence, until he obtained a grand jury which would find them, or filed *ex-officio* informations."

It should be observed that Lord Durham does not deny or question the justness of these complaints, which he certainly would have done, had it been in his power. He merely sets off against them the complaints of the English, of the impossibility of getting a just verdict in a political case from a French jury; though it is conceded that, in cases not connected with politics, "nothing could be more proper than their behaviour." It would, indeed, be astonishing if, under all the circumstances, even so far only as they are conceded in this document, the Government even could get a verdict from a French jury in "a political case."

The character of the magistracy also, by whom the primary stages of criminal justice are attended to, is in keeping with that of the other institutions of the country. The justices of the peace throughout the colony are named by the Governors, and are almost universally destitute of the popular confidence, "owing to the gen-

eral belief that the appointments have been made with a party and national bias." It cannot be denied, the report adds, "that many most respectable Canadians were long left out of the commission of the peace, without any adequate cause; and it is still more undeniable that most disreputable persons, of both races, have found their way into it, and still continue to abuse the power thus vested in them." The people have long been anxious to remedy this disorder, by introducing into the Province the system of township government, or municipalities, which have been so long the pride and ornament of the New England States; but the bills passed by the Assembly during a course of ten years for this object (a fact not alluded to by Lord Durham) have been invariably thrown out by the Legislative Council. Even some Vermonters, who were anxious to introduce with them into their new settlement these municipal customs, were told of "the impropriety of electing their own officers." The corporations of Quebec and Montreal have been allowed to fall into ruins, and now in Lower Canada "there are no county, no municipal, no parochial officers either named by the Crown or elected by the people."

There is, fortunately, no bitterness of religious dissension in the Province. The French are all Catholics, and the Catholic clergy are described as a most valuable social, as well as religious, institution. Their influence is stated to have been very rigorously and efficiently exerted, during the late troubles, in favor and support of the Government.

Among the Protestant population there has arisen of late an agitation on the subject of the "clergy reserves," somewhat similar to that in Upper Canada, which it is highly important to put speedily at rest. And after some not very important allusions to the financial and monetary systems of the Province—to the public revenue, which is principally derived from the custom-house, and, till within the last four years, amounted to about £150,000 per annum, though now little more than £100,000, (the permanent expenditure of the civil Government being about £60,000,)—to the financial disputes between the two Provinces—and to the post-office, from which it appears that a surplus revenue of £10,000 per annum is transmitted to England, contrary to the just remonstrances of the Assembly. Lord Durham concludes this first general division of his report with the following remark, which would seem to have been particularly designed for that portion of the American press which considers immunity from high taxation the sum and substance of national well-being, and which has manifested so much righteous indignation against the unreasonable discontents of the Canadians:

"For the reasons I have before explained, there is hardly the semblance of direct taxation in Lower Canada for general and local purposes. This immunity from taxation has been sometimes spoken of as a great privilege of the people of Lower

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Canada, and a great proof of the justice and benevolence of their Government. The description which I have given of the singularly defective provision made for the discharge of the most important duties of both the general and the local government will, I think, make it appear that this apparent saving of the pockets of the people has been caused by their privation of many of the institutions which every civilized community ought to possess. A people can hardly be congratulated on having had, at little cost, a rude and imperfect administration of justice, hardly the semblance of police, no public provision for education, no lighting, and bad pavement in its cities, and means of communication so imperfect that the loss of time, and wear and tear caused in taking any article to market, may probably be estimated at ten times the expense of good roads. If the Lower Canadians had been subjected, or rather had been taught to subject themselves, to a much greater amount of taxation, they would probably at this time have been a much wealthier, a much better-governed, a more civilized, and a much more contented people."

We will add no remarks of our own upon the testimony thus borne by Lord Durham to the fearful pyramid of colonial misrule which has been gradually accumulated upon this unhappy Province of Lower Canada. His admissions do not amount to one-tenth of the earnest and indignant charges long vainly urged by the popular party; yet, even on the mere showing of this report, what descendant of the men of *our* Revolution can conscientiously blame any extremes of opposition into which a people, thus oppressed and outraged by the foreign dominion of an oligarchical faction, might be goaded. And when it is remembered that, for the exercise of the great popular right of "stopping the supplies," to extort from the "official" faction the very reforms of which the justice and the necessity are now fully conceded, the Home Government undertook to virtually annihilate the colonial constitution, and seize on the public revenue with the strong hand of power, backed by the bayonet and the cannon, and finally worthily consummated this long career of oppression, by arbitrarily and illegally arresting (with circumstances of the grossest indignity) the principal leaders of the popular party, so as to drive the unprepared and unarmed hasty assemblages of the peasantry into a seeming position to justify their sweeping the land with the bloody besom of martial law;—when all this is remembered, we trust that, for very shame's sake, for the sake of a decent respect to the memories of the graves of our own sires, we shall hear no more of the heartless and miserable sneers from an *American* press upon the "unreasonableness" of the complaints and demands of the Canadians, upon their "ingratitude" in return for the paternal mildness of their yoke, and upon the "insufficiency of their pretended grievances" to justify their deep and intense abhorrence of British colonial government, and their yearning aspirations after the independence and republican institutions, of which the contiguity of the United States affords them so constant and stimulating an example.

2. The second section of the report relates to *Upper Canada*, and upon this we shall not feel compelled to dwell with so much detail as we have been induced to do in the preceding pages. The con-

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dition of UPPER CANADA, where the quarrel, we are told, "is one of an entirely English, if not British population," is described as, in truth, not much better than that of its sister Province. There we find, in like manner, "an unwise distribution of power," "financial disputes," [followed by the legitimate fruits of public bankruptcy,] irresponsibility in the Government, and the Provinces "entirely ruled by a party, commonly designated 'the family compact,'" which is bound together either by intermarriage, or the strongest bonds of common party interests, possessed, as they are, of all the highest public offices—of all the influence and patronage of the Executive. "The bench, the magistracy, the high offices of the Episcopal church, and a great part of the legal profession, are filled by the adherents of this party; by grant and purchase they have acquired nearly the whole of the waste lands of the Province; they are all-powerful in the chartered banks, and, till lately, shared among themselves almost exclusively all the offices of trust and profit."

Each Governor, as he arrives, falls into the hands of this Holy Alliance of placemen; and, no matter how anxious he may be to act independently, so general and so absolute is the power of this faction, that he dare not assert his independence of them. "The bulk of this party consists," says the report, "for the most part, of native-born inhabitants of the colony, and of emigrants who settled in it before the last war with the United States; the principal members of it belong to the Church of England, and the maintenance of the claims of that church has always been one of its distinguishing characteristics."

Against this "tory or official party," the Reformers repeatedly obtained a majority; but "at last discovered that success in the elections insured them very little practical benefit," their opponents constantly retaining the full possession of the Executive Government—controlling the popular body by the veto of their "secure majority in the Legislative Council"—choosing its proper moment for dissolving hostile assemblies, and retaining friendly ones in office through their full legal term of four years, &c. The Reformers finally concentrated their efforts on the one point of introducing the element of responsibility into the constitution of the Executive Council, in this respect exhibiting greater skill and tact than the corresponding popular party in Lower Canada—well knowing "that, if once they obtained possession of the Executive Council, and the higher offices of the Province, the Legislative Council would soon be unable to offer any effectual resistance to their meditated reforms." On this point, however, they met with a desperate resistance from the official party.

Each party, while in the ascendancy, has been accused by its opponents of having abused its power over the public funds in

those modes of local jobbing before mentioned as practised in Lower Canada, and throughout all the Provinces; and there has been, in fact, on the whole, a great deal of profusion, carelessness, and misapplication of the public funds in works of internal improvement.

These two parties were composed, for the most part, of native-born Canadians, American settlers, and emigrants of a very ancient date. The influx of emigration subsequent to 1825 suddenly doubled the population, and introduced a third class, who were looked upon with considerable jealousy, and by no means admitted to a fair and equal participation of civil and political privileges, by both of the former. The common distinctive characteristics of this third class is attachment to the British connection. They divided themselves off between the two respective parties, according to their natural predilections. All who had belonged to the Tory party at home, a large number of the higher class of emigrants, particularly the half-pay officers, naturally arrayed themselves on the side of the official party; while the mass of the humble order of emigrants as naturally fell into the hands of the popular and reforming party.

The first act of Sir Francis Head, on assuming the government of the colony, was to introduce into the Executive Council three new members, of whom two were Reformers, (Dr. Rolph and Mr. R. Baldwin,) in the place of some of the members who were most obnoxious to the House of Assembly. But in a short time after, as soon as the controlling influence of the "family compact" began to make itself felt on the new Governor, (which was no difficult task upon the weak and very foolish head of the author of the "Bubbles of Brunnen,") the same individuals, finding themselves treated with entire neglect and contempt, unconsulted in the administration of affairs, for which popular opinion still held them responsible, and, on their remonstrance being point-blank insulted by Sir Francis Head, were left no other choice than to resign.

On the dissolution of the Assembly, and the new election which then ensued, Lord Durham is very frank in putting the proceedings of Sir Francis Head and the Government party entirely in the wrong. He acknowledges that that election, by which Sir Francis Head succeeded in reversing the former reforming majority, was a *gross fraud* upon the people. He says that the issue was so misrepresented that "a great portion of the people really imagined that they were called upon to decide the question of separation [from the mother country] by their votes," and thus "the general support of the British [it should be remembered that the word is not used here in contradistinction from *the French*] determined the elections in favor of the Government; though very large and close

minorities, which in many cases supported the defeated candidates, marked the force which the Reformers could bring into the field, even in spite of the disadvantages under which they labored from the momentary prejudices against them, and *the unusual manner in which the Crown, by its representative, appeared to make itself a party in an electioneering contest.*" Some further light is cast upon this "unusual manner" by the following paragraph a little below:

"In a number of other instances, too, the elections were carried by the unscrupulous exercise of the influence of the government, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the authorities. It was stated, but I believe without any sufficient foundation, that the government made grants of land to persons who had no title to them, in order to secure their votes. This report originated in the fact, that patents for persons who were entitled to grants, but had not taken them out, were sent down to the polling places, to be given to the individuals entitled to them, *if they were disposed to vote for the government candidate.*

The Report acknowledges that the pledges of administrative reform, in coöperation with the professed objects of the governor, and independently of either of the two parties, which had mainly constituted, together with the other influences thus significantly alluded to, to defeat the party of the "Reformers," soon proved *entirely fallacious;* that the present Assembly is in no respect entitled to claim the character of a fair representative body; and that he "must state that it is the general opinion, that never was the power of the "family compact" so extensive or so absolute as it has been from the first meeting of the existing parliament down to the present time." Indignant as the whole party of the Reformers (whom Lord Durham virtually acknowledges to constitute a large majority of the people) was rightfully made by these events, their dissatisfaction, the Report proceeds to state, "was carried to its height by an act that appeared, in defiance of all constitutional right, to prolong the power of a majority which, it was supposed, counted on not being able to retain its existence after another appeal to the people. This was the passing an act to prevent the dissolution of the existing, as well as any future Assembly, on the demise of the Crown. The act was passed in expectation of the approaching decease of his late Majesty; and it has in fact prolonged the existence of the present Assembly from the period of a single year to one of four."

This state of things brought on the outbreak commonly called Mackenzie's insurrection, which Lord Durham pronounces "as foolishly contrived, and as ill-conducted, as it was wicked and treasonable." He considers the general loyalty of the population attested by its defeat, as also, subsequently, "the little disposition that has been exhibited by any portion of it to accept of the proffered aid of the refugees and foreign invaders, and by the unanimity

with which all have turned out to defend their country." As for its "wicked and treasonable" character, the summary dictum of his British Lordship, to that effect, will hardly outweigh the evidence which his own admissions so amply bear, at least to every *American* reader, to the righteousness of that application of the principle that "resistance to tyrants is obedience to God." The remark that it was "foolishly contrived and ill-conducted" (the accidental mistake of the appointed day, together with the want of arms for the thousands who flocked to the insurgent standard, is the ample excuse assigned by its leaders) would seem to supply a better explanation of its failure than that "loyalty" upon which so much stress is laid, and which we are very much inclined to consider, to use a vulgar phrase, a mere *humbug*. A short distance below, Lord Durham virtually admits that unless the whole subject of controversy is given up to "the Reformers,"—this "loyalty" to the contrary notwithstanding,—they (viz. the party "which has commanded large majorities in different Houses of Assembly") may be "generally and decidedly desirous of separation." And that his confidence in this "loyalty" was no very certain or deeply fixed opinion, is sufficiently transparent through the admissions of the following paragraph; which, we must confess, together with the general tenor of the whole document, leaves no doubt on our mind of the truth of the representations constantly made by the refugees, to the effect that there is really a vast majority of the people of Upper, as well as of Lower Canada, anxious for separation, and fully sympathizing with the objects of the Reformers; and that it is only the present forcible ascendancy of the Executive power which represses the manifestation of that feeling, and gives rise to a delusive appearance of unanimity in the support of the government and the British connection:

"It has not, indeed, been exactly ascertained what proportion of the inhabitants of Upper Canada were prepared to join Mackenzie in his treasonable enterprise, or were so disposed that we may suppose they would have arrayed themselves on his side, had he obtained any momentary success, as indeed was for some days within his grasp. Even if I were convinced that a large proportion of the population would, under any circumstances, have lent themselves to his projects, I should be inclined to attribute such a disposition merely to the irritation produced by those temporary causes of dissatisfaction with the government of the province which I have specified, and not to any settled design on the part of any great number, either to subvert existing institutions, or to change their present connection with Great Britain for a junction with the United States."

And if such was the state of things at the time of the outbreak, the succeeding paragraph scarcely exhibits any very favorable change in public sentiment as produced by the subsequent course of events:

"It cannot, however, be doubted, that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent, approaching, if not amounting, to disaffection, has gained considerable

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ground. The causes of disaffection continue to act on the minds of the reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperations caused by the conflict itself, the suspicions and terrors of that trying period, and the use made by the triumphant party of the power thrown into their hands, have heightened the passions which existed before. *It certainly appeared too much as if the rebellion had been purposely invited by the government, and the unfortunate men who took part in it deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for their error.* It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of ther political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property, and character. The whole body of reformers were subjected to suspicion, and to harassing proceedings instituted by magistrates, whose political leanings were notoriously adverse to them. Severe laws were passed, under color of which individuals, very generally esteemed, were punished *without any form of trial.*"

We here again appeal to that portion of the American press which has been seen to disgrace itself by the fury with which it has joined in the hue and cry of the British Tory faction of the Canadas, whom the temporary success of combined fraud and force have enabled to place their foot on the neck of a prostrated, oppressed, and outraged people, at least to pay the poor atonement of a *blush of shame* for the dishonor they have cast on the memory of the fathers of our own Revolution, whose motives to rebellion were certainly never equal, in the immediate and galling pressure of the yoke of foreign dominion, to those which, in this very document,—the official report of the Governor-General of the Canadas—are shown to have impelled the party which has been unfortunately guilty of the crime of failure.

The most important practical question on which the various parties have been at issue, is stated to be that of *the Clergy Reserves.* By the Constitutional Act a certain portion (the one-eighth part) of the land in every township was set apart for the maintenance of a "Protestant Clergy." Under this denomination the clergy of the *Church of England* have claimed and enjoyed the sole benefit of the proceeds of the sales of these lands—a claim, naturally enough, strenuously contested by all the other "Protestant" sects, as well as very obnoxious to the large body of Catholics in the Province. It is scarcely necessary to say, that the Government party has always sustained the Church of England—*that* being an essential element of that Tory political creed which, transplanted to the ungenial soil of our North America, has been seen to produce such bitter fruits of mis-government and misery. On the other hand, "a great body of all Protestant denominations," says the Report, as well as the Catholics, "have either demanded the equal application of those funds to the purposes of all religious creeds whatsoever, or have urged the propriety of leaving each body of religionists to maintain its own establishment, to repeal or dis-

regard the law, and to apply the clergy funds to the general purposes of the Government, or to the support of a general system of education." And the reader will not be surprised to be told that "two bills passed the last House of Assembly, in which the Reformers had the ascendancy, applying these funds to the purposes of education; and both these bills were rejected by the Legislative Council."

But this was not all. Though the clergy of that church (confessedly a "small community"—"probably not one-fourth of the population"—and relatively decreasing in numerical proportion, with the influx of emigration, as well as being "the church which, being that of the wealthy, can best provide for itself, and has the fewest poor to supply with gratuitous religious instruction") were thus an "endowed," they were not a "dominant priesthood." But the last act of Sir John Colborne before quitting the Government, in 1835, was the establishment of the fifty-seven rectories. Spreading over the Province a body of clergymen of this favored religious minority, possessing "all the spiritual and other privileges enjoyed by an English rector,"—for the most part "in precisely the same position as a clergyman of the established church of England." He must be a very infatuated admirer of "the bench of bishops," who will be surprised that this was "resented most warmly" by all the other teachers of religion in the country, thus "degraded to a position of legal inferiority to the clergy of the Church of England;" that it was, in the opinions of many, a "chief predisposing cause of the recent insurrection;" and that it is "an abiding and unabated cause of discontent." "And it is equally natural," says Lord Durham, "that the English dissenters and Irish Catholics, remembering the position they have occupied at home, and the long and painful struggle through which alone they have obtained the imperfect equality they now possess, should refuse to acquiesce for themselves in the creation of a similar establishment in their new country, and thus to bequeath to their children a strife as arduous and embittered as that from which they have so recently and imperfectly escaped." The Report then proceeds to remark on the unanimity of opinion in the United States in favor of "the voluntary principle" in religion, which has naturally extended its influence, strengthened by "the example" of its success, over the tone of thought prevalent in the neighboring provinces; and freely admits that—

"The result of any determination on the part of the British government or Legislature to give one sect a predominance and superiority would be, it might be feared, not to secure the favored sect, but to endanger the loss of the colony; and, in vindicating the exclusive pretensions of the English church, to hazard one of the fairest possessions of the British Crown."

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He urges the immediate settlement of this question, by leaving it solely to the local legislature.

The Catholics, who constitute "at least a fifth of the whole population of Upper Canada, appear to have peculiar additional causes of grievance." They are not only "wholly excluded from all share in the government of the country, and the patronage at its disposal," but the detestable institution of Orangeism, chiefly as an active and organized engine of political rather than of religious machinery, has been introduced into the country, and not only tolerated but encouraged by the Government party. On several occasions the election of government partizans has been procured, as it is asserted, by means of "a violent and riotous mob of Orangemen, who prevented the voters in the opposition interest from coming up to the polls;" and when the Assembly presented to Sir Francis Head an address of remonstrance on the subject, the cool answer received was, simply, that "the Government of this Province has neither taken, nor is determined to take, any steps to prevent or discourage the formation or continuance of such societies."

The administration of justice is not so bad as in Lower Canada; there is a system of circuits, and still some integrity in juries; but there are general complaints against "the union of political and judicial functions in the chief justice," as also against the partizan system by which the sheriffs are appointed; and for similar reasons as in the Lower Province "the composition of the magistracy appears to be a serious cause of mischief and dissatisfaction." The Province is also "without any of those means by which the revenues of a country are developed, and the civilization of a people is advanced or upheld." A very considerable portion of it has "neither roads, post-offices, mills, schools, nor churches." The people "can seldom acquire wealth," and "with the exception of the laboring class, most of the emigrants who have arrived within the last ten years are poorer now than at the time of their arrival in the province." There is little inter-communication, and "no adequate system of local assessment to improve it;"—"nor can even wealthy land owners prevent their children from growing up ignorant and boorish, and from occupying a far lower mental, moral, and social position than they themselves fill." So that, after all, the state of things appears hardly much better in any point of view in the Upper than in the Lower Province; nor are the acknowledged evils in the condition of the latter to be ascribed to any peculiar cause in the character of the French population, but rather to the general repressive and deteriorative influence of *colonial misgovernment* under the "paternal and benign auspices" of British Toryism.

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Carlyle, in his History of the French Revolution, makes the

remark, that misrule always in the end both proves and explodes itself by *bankruptcy*. Upper Canada presents an unhappy illustration of its truth. The whole revenue of the Province, about £60,000, is hardly adequate to pay the *interest* of the public debt, upwards of a million—which has been sunk (with "great mismanagement, and perhaps no little jobbing") in public works confessedly unprofitable, and some of which are now "almost suspended from the apparent inutility of completing them,"—a state of things which is ascribed, with what truth we have no means of judging, in a great degree, to the want of coöperation of the Legislature of the Lower Province.

3. The other Provinces, New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland, present on the whole a spectacle in most respects analogous to the unhappy picture which the Report draws of the condition of the two larger ones—though both their sufferings and discontents differ greatly in degree from those of the latter, and though in these there is generally a much stronger sentiment of British loyalty. In New Brunswick the "official party" has had the good sense to succumb with a better grace to the liberal popular party; the consequence of which is a much greater degree of harmony and tranquillity than in any of the others. But, on the whole, in all of them like causes are found infallibly to produce like effects. "In all these provinces we find representative government coupled with an irresponsible executive; we find the same collision between the branches of the Government—the same abuse of the powers of representative bodies, owing to the anomaly of their position, aided by the want of good municipal institutions—and the same constant interference of the imperial administration in matters which should be left wholly to the Provincial governments." Nearly the whole of Prince Edward's Island, containing about a million and a half of acres of the richest soil, was alienated, in one day, to absentees resident in London, somewhat more than half a century ago, and the consequence is that only 100,000 acres are under cultivation. The cultivation of the remainder, the absent proprietors "neither promote nor permit." Major Head describes his journey through a great part of Nova Scotia as "exhibiting a melancholy spectacle of half the tenements abandoned, and lands every where falling into decay. Lands that were purchased thirty and forty years ago at five shillings an acre, are now offered for three." These provinces contain nearly 30,000,000 of acres, and though among the longest settled on the North American continent, have a population only of about 365,000 souls, giving only one inhabitant for every eighty acres. As if it were the settled purpose of the British Government to keep its dependencies in a state of beggary and wretchedness, they are deprived of the benefit of the very mines of their Provinces.

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The valuable coal mines of Pictou having been mortgaged to some jewellers in London to pay the debts of the late Duke of York, and the rich iron mines of Lower Canada, which could furnish all the colonies with iron ware, having been bestowed, for a mere nominal rent, on one of the favorites of the passing governor of the day. In Newfoundland there has long been the ordinary collision between the representative body on one side, and the Executive on the other. The representatives have no influence on the composition, or the proceedings of the Executive government, "and the dispute is now carried on, as in Canada, by impeachments of various public officers on one hand, and prorogations on the other."

4. The fourth section of the Report, which treats of *the disposal of public lands and of emigration*, we are compelled by our limits to pass over with a very slight notice. The only system and uniformity that have prevailed in relation to these subjects have been a system of mismanagement and a uniformity of profusion. It is needless to enter into its details; a thorough re-organization of the whole is urged, and its wisdom illustrated by reference to the example of the United States. With respect to the difference of the value of land on the respective sides of the frontier line, arising solely out of the difference of civil institutions, the Report says:

"Throughout the frontier, from Amherstburgh to the ocean, the market value of land is much greater on the American than on the British side. In not a few parts of the frontier this difference amounts to as much as a thousand per cent., and in some cases even more. The average difference, as between Upper Canada and the States of New York and Michigan, is notoriously several hundred per cent."

And the statement that full sixty *per cent.* of the emigrants into the Canadas from the United Kingdom are said to have removed to the United States, rather than remain in the colonial provinces, is amply justified by the following contrasted picture of the two sides of the frontier line, in respect to "every sign of productive industry, increasing wealth, and progressive civilization."

"By describing one side, and reversing the picture, the other would be also described. On the American side all is activity and bustle. The forest has been widely cleared; every year numerous settlements are formed, and thousands of farms are created out of the waste; the country is intersected by common roads, canals and railroads are finished, or in the course of formation; the ways of communication and transport are crowded with people, and enlivened by numerous carriages and large steamboats. The observer is surprised at the number of harbors on the lakes, and the number of vessels they contain; while bridges, artificial landing places, and commodious wharves are formed in all directions as soon as required. Good houses, warehouses, mills, inns, villages, towns, and even great cities, are almost seen to spring up out of the desert. Every village has its school-house and place of public worship. Every town has many of both, with its township buildings, its bookstores, and probably one or two banks and newspapers; and the cities, with their fine churches, their great hotels, their exchanges, court-houses and municipal halls, of stone or marble, so new and fresh as to mark the recent existence of the forest where they now stand, would be admired in any part of the old world. On the British side of the line, with the exception of a few favored spots where some approach to American prosperity is apparent, all seems waste and

desolate. There is but one railroad in all British America, and that running between the St. Lawrence and Lake Champlain, is only fifteen miles long. The ancient city of Montreal, which is naturally the commercial capital of the Canadas, will not bear the least comparison, in any respect, with Buffalo, which is a creation of yesterday. But it is not in the difference between the larger towns on the two sides that we shall find the best evidence of our own inferiority. That painful but undeniable truth is most manifest in the country districts through which the line of national separation passes for 1,000 miles. There, on the side of both the Canadas, and also of New Brunswick and Nova Scotia, a widely scattered population, poor, and apparently unenterprising, though hardy and industrious, separated from each other by tracts of intervening forest, without towns and markets, almost without roads, living in mean houses, drawing little more than a rude subsistence from ill-cultivated land, and seemingly incapable of improving their condition, present the most instructive contrast to their enterprising and thriving neighbors on the American side. I was assured that in the eastern townships of Lower Canada, bordering upon the line, it is a common practice for settlers, when they wish to meet to enter the State of Vermont, and make use of the roads there for the purpose of, reaching their destination in the British province. Major Head, the assistant commissioner of crown lands' inquiry, whom I sent to New Brunswick, states, that when travelling near the frontier line of that province and the State of Maine, now on one side and then on the other, he could always tell on which side he was by the obvious superiority of the American settlements in every respect."

While that these Provinces are not naturally inferior to any portion of the territory on their southern frontier, out of which the young energies of *freedom* have drawn such splendid results of prosperity, happiness, and national greatness, is attested in the following extract:

"It might be supposed, by persons unacquainted with the frontier country, that the soil on the American side is of very superior natural fertility. I am positively assured that this is by no means the case; but that, on the whole, superior natural fertility belongs to the British territory. In Upper Canada, the whole of the great peninsula between Lake Erie and Huron, comprising nearly half the available land of the province, consists of gentle undulating, alluvial soil, and, with a smaller proportion of inferior land than probably any other tract of similar extent in that part of North America, is generally considered the best grain country on that continent. The soil of the border townships of Lower Canada is allowed, on all hands, to be superior to that of the border townships of New York, Vermont, and New Hampshire; while the lands of New Brunswick, equal in natural fertility to those of Maine, enjoy superior natural means of communication. I do not believe that the universal difference in the value of land can any where be fairly attributed to natural causes."

And again:

"No portion of the American continent possesses greater natural resources for the maintenance of large and flourishing communities. An almost boundless range of the richest soil still remains unsettled, and may be rendered available for the purposes of agriculture. The wealth of inexhaustible forests of the best timber in America, and of extensive regions of the most valuable minerals, have as yet been scarcely touched. Along the whole line of sea-coast, around each island, and in every river, are to be found the greatest and richest fisheries in the world. The best fuel and the most abundant water-power are available for the coarser manufactures, for which an easy and certain market will be found. Trade with other continents is favored by the possession of a large number of safe and spacious harbors; long, deep, and numerous rivers, and vast inland seas supply the means

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of easy intercourse; and the structure of the country generally affords the utmost facility for every species of communication by land. Unbounded materials of agriculture, commercial and manufacturing industry, are there.

5. We come now to the concluding section of this very valuable and interesting document. Thus far it has been describing the disease—the next question is as to the remedy. It does not consider the Canadas as beyond saving to the British empire; though it considers this as the last chance of doing so. After remarking that all the discontented parties have been disposed to look with some confidence to results of his (Lord Durham's) mission, and to believe that when the case is once fairly put before the mother country, the desired changes in the policy of their government will be readily granted, and that in the meantime they are tranquil, and he believes loyal, he adds, "but I cannot but express my belief, that this is *the last effort of their almost exhausted patience*, and that the disappointment of their hopes on the present occasion will destroy forever their expectation of good resulting from British connection." He places at once out of the question the idea of retaining, by military force, "a barren and injurious sovereignty" over them, without applying a thorough remedy to the root of the causes of disorder. "As the cost increases," he remarks, "their value will rapidly diminish;" and, taking into consideration the natural influence of American "sympathy," (a feeling which he treats with much more respect than it has been the paltry affectation of a large portion of our own press to do,) he seriously questions the possibility, of forcible retention even if it were, either desirable or in consonance with the true greatness of the British Empire, or the civilization of the age. His informants, however, to the contrary notwithstanding, we can assure Lord Durham that he is vastly mistaken in expressing himself convinced, that "the measures [he] adopted met with a concurrence [on the part of the people of the United States] that completely turned the tide of feeling in favor of the British Government." Neither the Whig press of this country, nor the travelling gentry who were so fascinated by the condescending court addressed to them by "His Excellency the Governor General," are the best exponents of the true state of public feeling of the American people. He does ample justice to the good faith with which the Federal Government has exerted itself to maintain inviolate its neutral obligations, while he admits the impossibility of doing so with complete effect by any government, under the circumstances, in opposition to a strong and general public feeling. He at the same time intimates that it cannot rationally be expected that these efforts should be very long continued, if the British Government does not or cannot soon put an end to the state of things rendering them necessary; remarking, very sensibly, that—

"It cannot be doubted that the disturbed state of the Canadas is a serious drawback on the prosperity of a great part of the Union. Instead of presenting an ad-

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ditional field for their commercial enterprise, these Provinces, in their present state of disorder, are rather a barrier to their industrial energies. The present state of things also occasions great expense to the Federal Government, which has been under the necessity of largely augmenting its small army, on account chiefly of the troubles of Canada."

But the rapid withdrawal of both population and capital, from the Canadas, together with the entire stoppage of emigration, is the greatest evil. Of this he presents an alarming picture, so that he considers the horrors and dangers of rebellion and foreign invasion as less formidable than that of "*utter exhaustion and depopulation.*"

The dissensions which have so long agitated the colonies, having grown out of the constant collisions between the popular Houses of Assembly and the Executive authorities—the former desirous of controlling the general policy of the colonial government, and the latter bent on maintaining its high position of independence and unrestrained enjoyment of all the power, pride, and patronage of government—Lord Durham's leading idea, in the application of a remedy, is simply *to give up the whole field of contest to the people.* He says it would be vain, even if it were desirable, to think of organizing their government on any other than the representative principle. The question is not now, he says, upon "the policy of establishing representative government in the North American colonies. That has been irrevocably done, and the experiment of depriving the people of their present constitutional power is not to be thought of." This being laid down as the point of departure, the next step that follows necessarily is to make the executive administration of affairs dependent, substantially, on the popular control; inasmuch as in all mixed systems of government the popular will, embodied as a representative Assembly, is after all the mainspring of the machine, and being the strongest, must, in the end, control and conquer all the other elements of the system to itself. This end he proposes to obtain, not by making the Executive councils elective, which would be utterly inconsistent with the whole theory of the monarchy which he is disposed to preserve unimpaired, and even re-invigorated by wholesome reform; but by instructing the colonial governor "to secure the coöperation of the Assembly in his policy, by entrusting its administration to such men as could command a majority,"—in other words, by transferring to the colonies the principle and practice which alone insure harmony in the working of the complex machinery of government at home; the Imperial authority abstaining from all interference with the internal affairs of the colonies that should not directly involve the relations between them and the mother country. He proposes to consolidate the two Canadas into one "Province of Canada,"—the Governor General to be sent from Great Britain, but to carry on his government by responsible heads of department, subject to impeachment, constituting a sort of colonial ministry on

the British model, and retaining their places only on the tenure of retaining the confidence of the popular branch of the government. He would retain a Legislative Council as a coördinate branch of the legislature, though at the same time that he decidedly condemns the present constitution of those bodies, he does not explain on what plan he would remodel them, passing over that point with some ambiguous generalities. He is also equally provokingly vague with respect to his "general executive *on an improved principle*," unless that "improved principle" be simply that which he has already stated, and of which we have given the substance. The administration of the public lands alone is to be confided to an imperial authority, that being a subject in which the colonies and the mother country have a common interest, as the natural basis of that emigration which constitutes one of the chief elements of the value of the latter to the former. All the revenues of the Crown are to be given up to the Legislature, on the concession of an adequate civil list, and the past provisions with respect to the clergy reserves to be repealed. The independence of the judges to be secured, by giving them the same tenure of office and security of income as exist in England. The English principle is also to be introduced of allowing no money votes to originate without the previous consent of the Crown, to guard against the great abuses in the application of surplus revenue, (road jobbing, &c.,) which have heretofore taken place in the House of Assembly. A comprehensive system of measures to be also carefully framed to promote emigration on the greatest possible scale, and with the most beneficial results to all concerned. The only other important features that remain to be noticed, in his plan for the re-organization of the Constitution of the Colonies are, first, a provision to enable all or any of the other Colonies to consolidate themselves, at their own option, and with the consent of the Canadas, into this union which he proposes to make compulsory in the case of the latter; and secondly, to organize a complete system of municipal institutions for the country, by "elective bodies subordinate to the general legislature, and exercising a complete control over such local affairs as do not come within the province of general legislation,"—this to be done by an act of the Imperial Parliament, so as to prevent the general legislature from encroaching on the powers of the local bodies.

The principal object of this legislative union of the two Canadas, on the necessity of which so much stress is laid, is this—to combine the plan of a fair representative system by electoral districts, as near as may be, in *bona-fide* proportion to population, with what he considers the indispensable object of saving the English population of the lower Province from that legislative predominance of the French interest which must otherwise result from the vast

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numerical majority of the latter; a predominance which, in the present state of national feeling on both sides, can never, he argues, be safely entrusted to the one, as it would never be peacefully tolerated by the other.

We are glad to see Lord Durham repudiate, frankly and manfully, all the petty expedients of electoral fraud which have been suggested, to give to the British minority a legislative majority, by new and strange modes of voting, or unfair divisions of the country. With respect to these, he says:

"If the Canadians are to be deprived of representative government, it would be better to do it in a straight-forward way than to attempt to establish a permanent system of Government on the basis of what all mankind would regard as mere electoral frauds. It is not in North America that men can be cheated by an unreal semblance of representative government, or persuaded that they are outvoted, when, in fact, they are disfranchised."

A mere federal union he considers out of the question, as any French Assembly that shall again meet in Lower Canada will only use whatever power may be entrusted to it in hostility to the British interest and the British connection. He estimates the population of Upper Canada at 400,000, the English inhabitants of Lower Canada at 150,000, and the French at 450,000—a relative proportion which would give the English a fair and effective majority in a legislative union—a majority which would be increased every year by the influx of emigration, and under the legitimate ascendency of which the false and feeble "nationality" of the French would gradually disappear, and the present animosities of the two races subside, though by no means entirely, he thinks, within the period of a single generation.

We have now placed our readers pretty fully in possession of the leading ideas and views of this remarkably able State paper, with a slight connecting thread of running commentary. Its importance and interest fully justify the space we have found ourselves compelled to bestow upon it, even at the sacrifice, to some extent, of that variety with which it is generally advisable to fill our pages. Strong as is the testimony which it bears on every line against the shocking misrule to which these very unfortunate Provinces have been so long subjected, under the control of a foreign minority official faction, it is strikingly stamped with internal evidence of its general truth, being the *admissions* of a mind evidently, with respect to the Lower Province, in no slight degree imbued with the pride of British prejudice. How completely it sustains and justifies all the views which have been before expressed by the Democratic Review in relation to the Canadas, it is unnecessary for us to point out.

In the actual state of things, this mode proposed of merging the distinctive nationality of the French in the fair and legitimate ascendency of a numerical English majority, commends itself

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strongly to our approval as the only effective remedy for a great evil which has now an unquestionable existence *de facto*, though, as before remarked, we consider it entirely a *consequence*, and not a primary *cause*, of the disorders of the country. Under free institutions, fairly and honestly administered, there is not the slightest difficulty in an harmonious amalgamation of two distinct races, separated from each other by no other barrier of natural antipathy than mere difference of origin and language. This truth has been amply illustrated by the example of various sections of our own country. And the re-organization of the institutions of the country on the liberal basis of fair, popular, representative government, will, we are well assured, by remedying the causes of the present antagonist and hostile relation which has grown up between the two, remedy also, speedily and effectively, all their unhappy results. We see no reason to apprehend any abuse of the power of the English ascendency to bear oppressively upon what will then be the French minority; because, in the first place, that majority will not consist of that local party or faction with which has been waged the contest out of which has grown this embittered national animosity; but will be formed by the addition of the great mass of the population of the Upper Province, comparatively strangers to that contest, and to the mutual feelings generated by it. The 400,000 inhabitants of Upper Canada will swamp the small English minority, as well as the large French majority of Lower Canada. There will appear rather, we have no doubt, a strong disposition to a mutual sympathy between the latter and the "Reformers," whom Lord Durham admits to constitute a considerable majority of the people of the Upper Province, arising out of their long common struggle in a cause of popular rights, in both cases closely analogous with each other, if not completely identical, in character and objects. And, moreover, the French will constitute so large a minority of the whole, and will be bound together by so peculiar a bond of unanimity of feeling and interests, in which the slightest tendency to any oppressive abuse of the English national ascendency will infallibly merge and consolidate all minor divisions of opinion, that they must hold the real balance of power, (as is done by the South with us, relatively to the divisions of parties at the North,) and cannot but exert a controlling influence in the united Legislature, at least for every purpose of self-protection, if it should ever be necessary. In the second place, they will still have, through the system of municipal institutions proposed, the sole control of all those local affairs in the administration of which alone this sentiment of national animosity on the part of a hostile English ascendency could operate gallingly or oppressively on their immediate personal feelings or interests—for, after all, it is mainly in

the small municipal details of local affairs that the operation of government comes most sensibly home to the bosoms and consciousness of men, to the hearth-stone and beneath the roof-tree where the actual *man*, in the midst of the happy charities of domestic life, may in truth be said to live, move, and have his being; and where, if he but enjoys the sun-light and the healthful atmosphere of *freedom*, intangible abstractions of politics, philosophy, or science, but rarely intrude to mar the quiet contentment of his lot in the way of life for which his Creator has designed and fitted him.

This proposed consolidation of the Provinces we look upon as the first step towards that total disconnection of the colonies from the mother country, which is now evidently close at hand. It will give a consciousness of strength, importance, and distinct compact nationality, which cannot long remain content with even the slight dependence to be established by this proposed re-organization. The weakness of division and isolation is now the principal hold which the imperial authority possesses over them; and as soon as the internal dissensions by which they have heretofore been distracted are remedied by the proposed reforms, (if, indeed, the British Parliament shall have the wisdom to adopt them,) which will vest in *the people* the substantial control of the Government of the country, it is absurd to suppose that this imaginary and ridiculous sentiment of "loyalty," upon which the British monarchy is nevertheless dependent for its own existence, will have the weight of a feather in the scale against the natural tendency of a country thus situated and thus inhabited, to independence and to republican institutions. The very checks which Lord Durham proposes upon the freedom of the popular action through the representative assemblies will serve to expedite the separation. We refer to the provision that all money votes must receive the previous sanction of the Crown, to the required concession of an adequate, *permanent* civil list, and to the reservation of the management and proceeds of the public lands in the hands of the imperial authority. Neither of these will long be tolerated by the people of the colonies, and they will constitute strong inducements to complete the work of separation for which the proposed reform is to lay the foundation. That separation will then take place peacefully and tranquilly, for it is plain that Great Britain could not dream, in that case, of attempting to oppose it by force; and there can be no doubt that her own manufacturing industry will derive (precisely as has been witnessed in the case of the United States) much greater advantage from healthy commercial intercourse with these Provinces, on fair free-trade principles, as a federation of republics—whether in union with our own, or independently, is quite immaterial, we conceive, to both parties—than she can ever derive from even the slight degree of metro-

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politan ascendency over them which, by the present proposed liberal concessions, she may perhaps yet for a short time retain. That the author of this report is not blind to the shadow of the coming events—notwithstanding a few flourishes which he makes in the course of it upon the "loyalty" and "attachment to the British connection," which he imputes, though with some important reservations and drawbacks, to the people of the colonies—will be sufficiently apparent from the following extract, with which we close this already too protracted article, as equally creditable to his sagacity of judgment and liberality of feeling:

"I do not anticipate that a colonial Legislature, thus strong and thus self-governing, would desire to abandon the connection with Great Britain. On the contrary, I believe that the practical relief from undue interference, which would be the result of such a change, would strengthen the present bond of feelings and interests; and that the connection would only become more durable and advantageous, by having more of equality, of freedom, and of local independence. But, at any rate, our first duty is to secure the well-being of our colonial countrymen, and if, in the hidden decrees of that wisdom by which the world is ruled, it is written that these countries are not forever to remain portions of the Empire, we owe it to our honor to take good care that, when they separate from us, they should not be the only countries on the American continent in which the Anglo-Saxon race shall be found unfit to govern itself."

SONG—TO ALICE.

THERE IS A NAME, WHICH ON MY LIPS.

There is a name, which on my lips,
  Though seldom breathed, forever dwells,
Like hidden music rocked to sleep
  Within the ocean's painted shells.

There is a bright yet pensive eye,
  Which ever on my pathway shines,
As day and night the gentle stars
  Look down and light the darkest mines.

A voice, whose tender accents sound,
  As if it were the soul which spake;
And of that voice the lightest tone
  Doth in my heart wild echoes wake.

And this is love, the only one
  Of Eden's torn and trampled flowers
Which, sheltered by some angel's wing,
  Still lives to bless this earth of ours.

G.

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SCENE FROM 'DON CARLOS.'

SPECIMEN OF A NEW TRANSLATION,

From the German of Schiller.

This celebrated scene between the Marquis of Posa and Philip the second, in Schiller's tragedy, may need some previous explanation to the general reader. The Marquis is a political enthusiast, whose whole soul is bent on the accomplishment of his favorite project—the deliverance of the Netherlands from oppression; which to his philanthropic spirit seems the first great step to the advancement of the happiness of the whole human race. This personage, whose whole life has been devoted to the love of Freedom, who from boyhood, has panted after the realization of this glorious ideal—this noblest of reformers—becomes from peculiar circumstances, necessary to the cold, selfish fanatical tyrant, and is permitted to lift up the voice of earnest and eloquent remonstrance, for the first time, in the presence of despotism; to teach the isolated and haughty Philip that virtue may exist beyond his power to bribe, or even to reward; that there is in his dominions at least *one* man "who needs him not." There is something so grand and imposing in the idea of thus confronting the stony monarch with the advocate and representative of true manhood, that the scene would be entitled to attention from this circumstance alone, even without its claims on account of the eloquent and lofty philosophy it embodies. The whole views of Posa are here unfolded, yet he does not attempt to touch the King by his exalted and ardent philanthropy. He endeavors to enlist in the great cause the evil propensities of Philip—his pride and his narrow ambition; points out the real meanness and insecurity of a throne filled only by a desolator; the elevating influence of that freedom, which in exalting the happiness of men, should make the bestower as a God! The monarch permits his boldness for reasons of policy—because he believes that the sentiments of the Marquis have never been revealed to any other than himself.

SCENE X.

THE KING AND MARQUIS VON POSA.

The latter, as soon as he is aware of the presence of the King, goes up and kneels before him, then rises and stands without any sign of embarrassment.

KING, (*looking at him surprised.*)

You've been with me before, then:

MARQUIS.

No.

KING.

You did
Some service to my crown; why from my thanks
Exclude yourself. My memory is oppressed
By claimants—and there is but ONE omniscient.
You it became to seek your sovereign's presence;
Why did you not?

MARQUIS.

'Tis only two days sire,
Since I returned to Spain.

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KING.

We are not wont
To be the debtor of our servants; ask
Some favor.

MARQUIS.

I enjoy the laws.

KING.

That right
Even the murderer has.

MARQUIS.

And how much more
The honest citizen? Sire—I am content.

KING, (*apart.*)

Much pride of spirit is there here—by Heaven!
That was to be expected. I would have
The Spaniard proud. I well may suffer it
If the cup overflow!———and you retired,
They tell me—from my service.

MARQUIS.

I withdrew
To leave the way for worthier men.

KING.

Unjust!
When minds like yours keep holiday—my state
Must suffer loss. Perhaps you feared to miss
The post that should be worthy of your merits?

MARQUIS.

O no! I do not doubt your majesty,
A judge so wise and so experienced
In minds of men, that his materials are,
At the first glance hath well discerned wherein
I might be useful to him—wherein not.
I feel with humble thankfulness the grace
Wherewith your majesty by thoughts so high
Doth load me;——yet——

KING.

You hesitate?

MARQUIS.

I am—
I must confess it Sire—scarce now prepared
What I have thought as citizen of the world
To speak in language that becomes your subject;
When I had parted with the court forever,

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I deemed it not imperative upon me
To give my reasons for the step.

KING.

So poor
Are then, those reasons? Dare you not disclose them?

MARQUIS.

Were the time given me, Sire, to speak them *all*,
My life, and cheerfully—I'd venture for them;
But I endanger truth, if you deny me
This favor. 'Twixt your anger and contempt
The choice is left me. If I must decide,
I'd choose to seem delinquent in your eyes,
Much rather than a fool.

KING. (*with a look of expectation.*)
Well?

MARQUIS.

Sire, I cannot
Be servant to a Prince.

(*The King looks at him surprised.*)

I'll not deceive
My merchant, Sire. If you should deign to employ me,
You only wish my actions weighed before you;
You wish my arm and courage in the field,
My thought in council. Not my acts themselves,
The approbation they may find at court,
Must be the aim and object of my actions.
For me has virtue its own worth. That good
The monarch with my hand might plant—I would
Myself produce; and joy arising thence,
And choice—should stand with me in place of duty.
Is such your wish? Could you, in your creation
Suffer a new creator? Or should I
Contentedly descend to be the chisel,
Where I could be the statuary? I love
Mankind;—and in a monarchy can love
None but myself.

KING.

This zeal is praiseworthy,
You might do good; and how the good is wrought,
Patriots and wise men deem of little moment;
Seek out yourself the office in my kingdoms,
May give you right and power to satisfy
This noble impulse.

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MARQUIS.

I find no such office.

KING.

How?

MARQUIS.

What your majesty would spread abroad
Through me—is it the happiness of men?
That happiness which my impartial love
Would give to men? Before that happiness
Faint majesty would tremble! No! Court Policy
Has framed another kind of happiness,
Which *she* is rich enough to give away;
Has waked new impulses in human hearts,
Meant for this novel good to satisfy.
Truth in her mints she causes to be coined,
Such truth as she can suffer—but contemns
And throws away each die except her own,
Is what can bring advantage to the crown
Enough for me? Must my love for my brother
Borrow from the abridgment of my brother?
Know I him happy when he dares not think?
Choose me not, sire, to spread abroad the good
That *you* have stamped for us; I must decline
The duty of dispensing coin like this.
I cannot be the servant of a Prince.

KING (*somewhat quickly.*)

You are a Protestant!

MARQUIS (*after some reflection.*)

Your belief, my King,
Is also mine, (*after a pause.*)
I am misunderstood.
'Tis what I feared. You see me draw the veil
From the high mysteries of majesty;
What should assure you I regard as holy
That which no more hath power to terrify me?
Dangerous I seem, for thoughts above my state.
I am not so, my King—my wishes all
Lie buried here; (*laying his hand on his breast.*)
The rage of innovation
That but more grievous makes the weight o' the chains
It cannot break—shall never heat *my* blood;
The century is not ripe for my ideal—
I live a citizen of future times.
Can a mere picture, Sire, dirturb your rest?
Your breath effaces it!

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KING.

I am the first
Who knows you entertain such thoughts.

MARQUIS.

Such—yes.

KING.

(Rises, walks a step or two, and stops opposite the Marquis.)

(*Aside.*) Novel, at least, this tone. The arts of flattery
Exhaust themselves; and imitation lowers
A man of wit. For once, let's try the opposite!
Why not? The singular brings fortune oft.
———If thus you view the matter, why 'tis well—
The Crown shall thus obtain, too, a new servant—
A liberal—

MARQUIS.

I see, your Majesty,
How meanly you esteem the worth of men;
That in the earnest speech of a free heart
You see but a new artifice of flattery.
I can see, too, what is it leads to this;
Men force you to this judgment; they have cast
By choice their own nobility away,
Have bowed themselves to this degraded state;
Frighted they fly, as from some frowning spectre,
Before the innate greatness of their nature.
Pleased with their poverty, adorn their chains
With base dexterity—and call it virtue
To wear them gracefully. So did the world
Present itself to you; 'twas thus bequeathed you
From your great father; how, in this sad image
Of mutilation could you honor man?

KING.

Some truth is in his words.

MARQUIS.

Yet it is pity
That—taking man from the Creator's hand,
And changing to a creature of your own,—
Making yourself the god of this new being—
One thing you've overlooked—that you yourself
Remain a man—in all respects a man!
You suffer and desire—a mortal still;
You stand in need of sympathy—to a god
We can but offer sacrifice, and pray—

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And tremble! Oh most sorrowful exchange!
Woful perversion! When you've sunk mankind
To be your harpstrings—who will share with you
The harmony struck from them!

KING.

(By the heavens
He touches me!)

MARQUIS.

But nought this sacrifice to you! through this
You stand alone, a species in yourself;
This is the price you for your god-head pay;
How terrible if *that* could not be purchased!
If for this price, the trampled good of millions,
You should gain—nothing! if the very Freedom
You have annihilated were alone
That which could bring your wish to consummation!
Pray you—dismiss me, Sire, I am rapt too far;
My heart is full; too mighty is the charm
Of standing near the One of all on earth
To whom I might unfold my thoughts.

(The Count de Lerma enters, and speaks a few words in the King's ear. Philip gives him a sign to withdraw, and remains sitting in his former posture.)

KING, (*to Marquis, after the exit of Lerma.*)

Speak on.

MARQUIS, (*after a pause.*)

I feel, Sire—all the worth—

KING.

Speak on;
You had yet more to say.

MARQUIS.

But lately, Sire,
My journey lay through Flanders and Brabant,
So many rich and blooming provinces!
A great, a vigorous people! an honest people!
And Father of this people! that, I thought,
That must be godlike!—Then I stumbled on
A mouldering heap of human bones.

(Here he stops and fixes his eyes on the King, who endeavors to return his look, but drops his eyes embarrassed on the ground.)

You're right;
You must, that you *can*, what you know you must do,
Doth fill me with a shuddering admiration,
O pity that, thus weltering in his blood,
The victim, but so faint a song of praise
Can utter to the spirit of the slayer!
That men, not beings of a higher essence,
Write the world's history! more gentle times
Will soon displace the age of Philip—these
Will bring a milder wisdom—then the good

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Of the citizen will with the prince's greatness
Walk hand in hand; the state her children prize,
And even stern necessity be human.

KING.

When, think you, would those centuries of blessing
Dawn on the earth, had I before the curse
Of this age trembled? Look upon my Spain!
Here blooms the subject's good in cloudless peace;
Such peace I give to Flanders.

MARQUIS, (*quickly.*)

Church-yard peace!
And you can hope to end what you've begun!
Hope to retard the change of Christendom
Already ripe—the universal spring
That shall bring back the world to pristine youth!
You will, alone throughout all Europe, throw
Yourself against the wheel of a world's fate,
That unimpeded in full course doth roll!
With mortal arm will grasp its spokes! You may not!
Already thousands from your kingdoms fly,
Though poor, rejoicing; in the burgher, whom
You lost for conscience' sake,—you lost your noblest!
With open, mother's arms Elizabeth
Welcomes the fugitives,—and England blooms
Through our land's skill,—in formidable strength.
Desolate lies Grenada; of her tide
Of Protestants forsaken, and exulting
Europe beholds its enemy bleed with wounds
All self-inflicted.

(*The King seems moved; the Marquis perceives it, and approaches a few steps nearer.*)

For Eternity
You plant—and Death your seed! a work thus forced,
Cannot survive the breath of its Creator,
You will have wrought in vain; in vain sustained
The hard strife against nature; and in vain
To plans of desolation sacrificed
A royal life-time. Man is greater far
Than you have held him, he will break the fetters
Of his long sleep—reclaim his holy rights;
Your name with Nero and Busiris rank;
And—that doth grieve me—for you once were good.

KING.

Who made you sure of that?

MARQUIS.

Yes—yes—by heaven!
You were—I do repeat it! Give us back
What you took from us! Generous as you're strong
Let happiness stream from your horn of plenty,

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In your great system suffer souls to ripen!
Give back what you took from us! 'Mid a host
Of Kings become a King!
(*Approaches him boldly, fixing on him firm and glowing looks.*)
O! could the eloquence
Of all the myriads, who in this great moment
Are sharers, hang upon my lips, and kindle
Into a flame the gleam that lights your eyes!
Give up the unnatural self-idolatry
Which makes us nothing! Be to us a type
Of the Eternal and the True! O, never,
Never did mortal hold so much—to use it
So like a god! The Spanish name is reverenced
By all the Kings of Europe; Go you on
Foremost among all Europe's Kings! One movement
Of *your* pen—and the earth is new created!
O, give us liberty of thought! (*throwing himself at his feet.*)

KING, (*surprised, turns away his eyes, then again fixes them on the Marquis.*)

Strange zealot!
Yet—rise—I—

MARQUIS.

Look on lordly nature round you!
On freedom it is grounded, and how rich
Through freedom! He, the great Creator, gives
The worm its dew-drop, and lets free-will wanton
Even in the lifeless spaces of corruption;
Your world—how poor and narrow! a leaf rustling
Alarms the lord of Christendom! You tremble
At every virtue. HE, to keep unmarred
Freedom's fair form, lets Evil's frightful hosts
Run riot wildly in his universe;
HIM—the Almighty Artist, we behold not,
His being veiled in his eternal laws;
Those laws the sceptic sees—not Him, and cries,
"Wherefore a God? the world doth need no God!"
And never yet did christian's worship, praise him,
As doth this sneering sceptic's blasphemy!

KING.

And you would undertake to imitate
This mighty model—in mortality—
In my dominions?

MARQUIS.

You—you can—who else?
Unto the nation's happiness consecrate
The regal power, which but too long hath pampered
Alone the greatness of the crown. Bring back
Man's lost nobility; let the citizen
Once more be what he was—the crown's sole object.

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Let him be fettered by no duty—save
His brother's right—like his inviolable.
Then, Sire, when man, restored unto himself,
Awakens to the consciousness of worth,
And Freedom's proud and stately virtues bloom,—
When your own kingdoms you have made the happiest
Of all on earth—then it may be your duty
To conquer other realms.

KING, (*after a long pause.*)

I've heard you now
Unto an end, and clearly see, the world
Not as in ordinary heads, is painted
In yours;—nor will I, Marquis, measure you
By ordinary rules. I am the first
To whom you have unveiled your secret thoughts.
This I believe—I know it. For the sake
Of this discretion—for your prudent silence
Until this hour, on such opinions,
Embraced with such keen ardor,—for the sake
Of this forbearing prudence—I'll forget,
Young man, that I have learned, and how I've learned them.
Stand up, I will correct the impetuous youth
As one of elder years—not as his monarch.
I will—because I will. Poison itself,
In generous natures, may, I find, be ennobled
To something better. But beware—I warn you,
My inquisition! It would grieve me sorely.

MARQUIS.

Would it—and truly?

KING, (*lost in wonder.*)

I have never seen
A man like this. No—Marquis—no! you wrong me.
I will not be a Nero—not towards you,
Nay, nay, all happiness shall not be blighted
Before me; you yourself, beneath my eyes
May yet remain, a man—

MARQUIS, (*quickly.*)

And, Sire—your subjects?
O not—*not* for myself I spoke—not *mine*
The cause I plead; my fellow subjects—Sire!

KING.

So well you know, how will posterity
Judge of me, you shall teach it—you yourself,
How I did act towards men—when I had found one.

MARQUIS.

O, being thus the justest among Kings,
Be not at once the most unjust! In Flanders
Are many thousand better men than I.

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Only yourself—great King—may I confess it?
Do now behold under this softened image
For the first time the lineaments of Freedom.

KING, (*with mild earnestness.*)

No more of this, young man. Full well I know
You will think otherwise of men—when you
Have known, as I have known them. Yet I would
This meeting should not be our last. How shall I
Bind you to me?

MARQUIS.

Nay—leave me as I am,
What would I be to you, Sire, if me also
You should corrupt?

KING.

This pride I cannot suffer,
From this time, Marquis—you are in my service,
Nay—no remonstrance. I will have it so.

I MET THEE AND THY BROW WAS CALM.

"A thing of beauty is a joy forever."

I met thee and thy brow was calm,
As coldly thou did'st pass me by,
With careless words upon thy lips,
And smiles as careless in thine eye.
Thou could'st remember all the past,
And keep the crimson of thy cheek;
Unfaltering could'st pronounce my name
While I—Oh God! *I* could not speak;
For thoughts that long had buried lain
Flashed thick and sudden o'er my brain;
And I could only bow to see
Thy beauty in its majesty.

Oh! never thus with marble brow,
And beauty so severely bright,
Thou art revealed unto my prayer
Amid the visions of the night.
Then be my life a ceaseless dream,
Since life is but thy voice to hear,
To see the sunlight of thy smile,
And feel thy holy presence near—
To worship thee beyond, above
All other thoughts, all other love;
In thee to feel, to think, to be—
To have no other shrine but thee.

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THE NEW JERSEY CONGRESSIONAL ELECTION.

The last year has witnessed events, which are destined to an enduring but dark celebrity in our annals as a free people. The bold attempt made by the federal leaders in Pennsylvania "to treat an election as though they had not been defeated," is one; the equally daring, but more successful, violation of the right of popular suffrage in New Jersey, is another.

When the tempest of partisan strife shall have subsided—when sober reason and cool reflection regain their wonted ascendency over the minds of men—when the struggle for political power shall have passed with those who originated, and who hoped to profit by it, and these events are viewed through the medium of intervening years, men will gaze with astonishment upon the spectacle of folly and wickedness which they present, and the historian will chronicle them among the sad records of human infirmity, where faction, for the purpose of the hour, has so often assumed the tremendous responsibility of perilling or defeating the fairest experiments of human liberty. The actors in each successive scene may have their future apologists. Arnold and Burr have theirs. But while the fires of liberty shall continue to burn bright on our political altars, and in the hearts of our people, they will not be forgotten or forgiven.

The conspirators in Pennsylvania and New Jersey seem to have been actuated by one common impulse. They sought the same object, the perpetuation of their power, and they pursued it by similar means. They made their returning officers the instruments for suppressing the voice of the people, and reversing the decisions of the ballot-boxes. The difference in the result was a consequence of the fact, that in Pennsylvania the ballot-boxes sent a majority of Democrats to the popular branch of the Legislature; while, in New Jersey, a majority of Federalists were returned to both branches. In Pennsylvania the people had a constitutional rallying point in their House of Representatives; they gathered round it, and concentrating there the thunder of popular opinion, beat back the assailants of freedom, with an energy as firm as it was triumphant. But in New Jersey all the sources of constitutional authority had fallen into the hands of the Federalists. They had the Legislature, the Executive, the Judiciary—there was no point upon which the people could rally recognized by law. Submission to fraud, or a revolutionary movement, were the only alternatives presented. And a liberty-loving people, who would have shed the last drop of their blood to preserve pure and inviolate the institu-

strated, reasoned; and were spurned; treated with contumely, and defrauded of their rights. They submitted, but have taken their appeal to the unerring principles of justice, that have so often rescued and redeemed the cause of democracy.

We propose, while the New Jersey case is yet fresh in the public mind, briefly to present the facts connected with it, and review its leading features. Its perfect novelty, without precedent or parallel; its deep and practical bearing upon the life and spirit of our political system; its peculiar connection with the great and fundamental tenet of our creed, that the majority must govern, all conspire to magnify its importance, and awaken to it a deep and pervading interest.

It is a case of great simplicity, embracing but few facts, and none that are disputed.

By the laws of New Jersey the election for members of Congress and the State Legislature is held at the same time, except when electors of President and Vice President are to be chosen. The time is the second Tuesday of October and the day following. The election is by ballot, and all the candidates voted for are put on the same ballot. One poll is held in each township. The assessor and collector of the township, with a judge of election, chosen for the purpose at the annual town meeting, preside at, and act as judges and inspectors of, election, and the clerk of the township officiates as clerk. The time of opening and closing the polls is uniform, and fixed by statute.

The candidates for Congress are nominated in the several counties on the first Monday in September; the clerks transmit the nominations to the Governor, who prepares and transmits a true list of all the names nominated to the clerk of each county in the State; the county clerk forwards a copy to each township-clerk in his county, who puts copies up for public information; and the election is made exclusively from the persons so nominated.

After the poll is closed it is the duty of the judge and inspectors, together with the clerk of the election, to proceed without delay.

"To take an account of, and cast up the votes given in each for candidate, make a list of the same, which list they shall sign, certify, seal up, direct, and transmit to the Clerk of the county, who shall attend at the court-house of the county on the Saturday next after the day of election, for the purpose of receiving the same, which list shall be delivered to him before five o'clock in the afternoon of said day, which said Clerk shall proceed, in a public manner, to make one general list of all the candidates voted for as aforesaid, together with the number of votes received for each of them, and shall transmit the same, at the expense of the State, to the Governor or person administering the government, within seven days thereafter, having first caused a duplicate thereof to be filed in his office, together with the lists from the said townships."

The Governor is directed:

"If the certified lists of votes given for representatives in Congress shall not be received from the Clerks of any of the counties of the State by him within seven days after the time prescribed by law for casting up the same, &c., by the Clerks as aforesaid, forthwith to send express to the Clerk of the county or counties from which such certified lists have not been received, and to procure the same at the expense of the State."

The Governor is also directed:

"Within five days after receiving the said lists, to lay the same before a privy council, to be by him summoned for that purpose, and, after casting up the whole number of votes from the several counties, for each candidate, the said Governor and privy council shall determine the six persons who have the greatest number of votes from the whole State, for representatives in Congress of the United States from this State," and forthwith commission them, &c.

This is, substantially, the whole law of the case, and so far as it relates to the question in controversy, we have given it *verbatim* from the statute book.

Now to the facts. The election for Representatives in the twenty-sixth Congress of the United States was held in New Jersey on the ninth and tenth days of October, 1838. Among others, the names of Philemon Dickerson, Peter D. Vroom, Daniel B. Ryall, William R. Cooper, Joseph Kille, Manning Force, Joseph F. Randolph, John B. Aycrigg, John P. B. Maxwell, William Halstead, Charles C. Stratton, and Thomas Jones Yorke, were regularly nominated according to law. The nominations were duly forwarded to the Governor; the general list required by the statute was made by him, and sent to, and received by the Clerks of, the several counties, and by them transmitted to the township-clerks in their respective counties, who published them according to law. These facts are undisputed and undisputable.

On the day fixed by law the polls in every township in the State were opened in due form, at the hour prescribed by the statute, and by the proper officer, lawfully appointed by the people, and continued open for the legal period of time. These facts are undenied.

The judges and inspectors at every poll throughout the State acted honestly, fairly, and conscientiously, as far as appears. No freeman who was believed to be entitled to a vote was any where denied it; and no one believed to be not entitled was any where admitted. So far as the case now before us is concerned, these facts are unquestioned. The idea of hunting up illegal votes to patch up their case, is an afterthought of the federal candidates, and betrays most unguardedly their own utter distrust of the position taken by the Governor and council.

We say, then, thus far the facts are undenied and undeniable; the whole case thus far is free from difficulty.

The law has been complied with; the officers of election have done their duty; the people have exercised their constitutional right of suffrage. The election has been held; the votes of the freemen of New Jersey have been deposited in the ballot-boxes, and all that remains is to ascertain the result.

Let us pause a moment, and view the question from this position. Truth is as simple as the light; it is only in the mazes of error that the perception becomes confused, indistinct, and dubious.

The people of New Jersey had *now* exercised the most sacred

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right guaranteed to them by the Constitution. *They had chosen their Representatives*; they had the undoubted right to do so, the *unconditional right*, limited only by the forms of law; and these having been complied with, the thing was done, the selection made. And we might here take our stand and boldly deny that any authority exists, either in the Executive, the Legislature, or the Judicial departments of the government of New Jersey, to reverse the decision already made the moment the ballot-boxes throughout the State are closed. *There* is the voice of the people, all that remains is to give it utterance. *There* is the decision of the sovereigns of the soil—the supreme authority of the land—all that remains for the *creatures* of that power is to announce its decision.

We are now prepared to proceed to the next unquestioned fact in this case. It is this; the votes of the people, as they were deposited in the ballot-boxes, were as follows:

For Philemon Dickerson - -	28,453	John B. Aycrigg - - -	28,294
Peter D. Vroom - -	28,492	John P. B. Maxwell - -	28,383
Daniel B. Ryall - -	28,441	Wm. Halstead - - -	28,336
William R. Cooper - -	28,456	Charles C. Stratton - - -	28,396
Joseph Kille - - -	28,427	Thomas Jones Yorke - -	28,321
Manning Force - -	28,314	Joseph T. Randolph - -	28,427

Mr. Dickerson's majority over Mr. Aycrigg was - - - - -	159
Mr. Vroom's " " Mr. Maxwell - - - - - -	109
Mr. Ryall's " " Mr. Halstead - - - - - -	105
Mr. Cooper's " " Mr. Stratton - - - - - -	60
Mr. Kille's " " Mr. Yorke - - - - - -	106
Mr. Randolph's " " Mr. Force - - - - - -	113

We repeat that the election had been held in strict accordance with the forms of law; all the requisitions of the statute book had been complied with; and when the people had exercised their right of suffrage, and the ballot-boxes throughout the State were closed, this was the state of the poll. Messrs. Dickerson, Vroom, Ryall, Cooper, and Kille, five of the Democratic candidates, had each received a majority of votes.

We repeat that at no period, then or since, has this fact ever been denied, doubted, or questioned, by friend or foe, by Democrat or Whig. The official returns show it.

The second section of the Constitution of the United States provides that "the House of Representatives shall be composed of members chosen every second year by *the people of the several States*."

The Laws of New Jersey declare, that "the six persons who have the greatest number of votes from the whole State shall be the Representatives in the Congress of the United States from this State."

Now, our *first* proposition is, that the persons "chosen by the *people* of the State" are the constitutional Representatives of that State in the Congress of the United States.

And our *second* proposition is, that "the persons who have the greatest number of votes from the whole State" are the persons so chosen by the people.

Can any thing be plainer? Can words, can arguments possibly elucidate, or simplify, or enforce, or render these propositions, more palpable, more clear, more unquestionable? Can hardihood deny—can ingenuity perplex—can sophistry raise doubts about so plain a matter? And yet this is the question, and the whole question, involved in the Jersey case. Let it be borne in mind, we repeat, that the pretence of illegal votes having been given makes no part of the present controversy. That, we say again, is an after-thought. That inquiry was never before the Governor and his Privy Council, who undertook to reverse the decision of the people. That question was never raised by the Clerks who suppressed the returns from the township of Millville and South Amboy. That subterfuge was never thought of in the discussions of the occasion, and the answer to the allegation will be given in its proper place, and will be shown to be of a piece with the wretched humbuggery of this whole miserable farce.

It is here our business to deal only with the law and the facts of the case up to the moment when the people, having acted—having, in the mode pointed out by the Constitution and the law, "chosen" their Representatives, it only remained to announce what that action was—what they had done—whom they had so chosen.

Here is the law, on the one hand, declaring that the six persons who have the *greatest number* of votes from the whole State are elected. Here are the ballot-boxes, on the other hand, containing the votes of the people of the whole State, of which the *greatest number* have been given for Messrs. Dickerson, Vroom, Ryall, Cooper, Kille and Randolph, and we put the question to the plain common sense of every honest man in the community, we care not to what party or sect he belongs, we care not what his opinions may be upon points of national or State policy, or what his preferences for particular men or measures—we ask, are not these men chosen by the electors of New Jersey? Are they not the lawful Representatives of the people? Had they not a right to their certificates? And are they not entitled to their seats?

Yet the Governor of New Jersey, and his Privy Council, in the teeth of the law—in the face of these facts, all spread before them, all unquestioned, all undenied, not only refused to commission the gentlemen so elected, but solemnly declared under their official oaths, that Messrs. Aycrigg, Maxwell, Halstead, Stratton, Yorke and Randolph were chosen as the people's Representatives in the next Congress, and gave them commissions accordingly.

The annunciation of the fact, had it been made to a wakeful, watchful, jealous people, in calm and thoughtful and reflecting times, would have startled and astounded like a thunderbolt from a cloud-

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less sky. But it came when the political atmosphere was surcharged with the heat of party passion—when the clouds of angry disappointment hung dense and dark over a defeated clan of ambitious leaders, and they were ready to worship the bolt that revenged them of their adversaries, though it had riven the tree of liberty to its roots, and blighted the last hope of the patriot on earth.

Such is man—so speak the records of the past—the history of human error is but the sad story of the results of unmastered passions and headlong ambition. The experience of ages is rife with the lesson, that in the fever of the blood we forget alike the duties of sound judgment, the voice of reason and the far-reaching influences of interest itself.

That we may rightly understand the history of this extraordinary case, it becomes necessary to pause for a moment, at this point in the narrative, and take a brief survey of the circumstances which surrounded the principal actors on the stage.

The panic year of 1837 had re-inspirited the broken and scattered ranks of the Federal party. The suspension of specie payments by the banks—the consequent embarrassment, enhanced by the wild speculations which had preceded, and the derangement of the currency which attended it—afforded a plausible pretence for charging the Administration with mismanagement, which was industriously used by the designing of that party, and had its effect on thousands of our own, who, either from want of information or reflection became dissatisfied or doubtful, and voted against us, or declined voting at all. In the fall of that year, the State consequently fell into the hands of the Federalists; yet, by a meagre vote—and one that warned them of the exceeding slightness of their tenure. They spent the legislative season, therefore, almost exclusively in efforts to entrench themselves in power in spite of shifting majorities, by creating a new central county, so carved out as to insure a Federal ascendency within it, and by breaking down the equality of representation among the counties, adding to the Federal what they deducted from those that were Democratic.

But notwithstanding this, and the windfall they received in New York in the course of 1838, the returning tides of prosperity throughout the country—the resumption of specie payments—the instantaneous correction of the disorders in the currency, and the slow but sure effects of "the sober second-thought of the people," began, before October, to awaken and alarm their fears—fears which the result of the election confirmed. The old Democratic counties came on in all their original strength—three counties which they had carried the year before were wrested from them. They carried several of their own counties by diminished majorities, the loss of any one of which would have overthrown them; and added to all this *the Congressional returns exhibited a majority from the whole State against them.* The hand-writing on the wall was visible, and it needed no Daniel to interpret it.

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The Governor, in New Jersey, is the creature of the Legislature, depending on it annually for his election; he reached his chair by the removal of a political opponent the fall before, and on the same hair by which his party were suspended, hung his official honors and emoluments. The members of his Privy Council were the creatures of the majorities of their respective counties. They floated, therefore, to the place of power in October, from the *meleè* of the conflict, and from amid disaster and defeat, with a single, solitary plank, a majority of one county, upon which to rest their fortunes for the present, and their hopes for the future.

With this crisis came, too, the Pennsylvania election. The defeat of Ritner and the overthrow of the Federal party by a majority of thousands. Star after star was disappearing from their political firmament—cloud after cloud was rising upon the vision of the future, and the shadows of coming events were already gathering in their path.

It was amid these circumstances of disaster and defeat—disappointment and mortification, that an extraordinary political document was issued at Harrisburgh. It was a circular prepared under the direction and by the authority of the Federal State Committee at the seat of government of Pennsylvania, dated on the thirteenth of October, and signed by the Chairman, who was no less a personage than the Secretary of the Commonwealth, and it announced boldly and distinctly the purpose of that party "*to treat the election in their State as if they had not been defeated.*" In other words, to nullify the views of the people, to reverse their decision, and to treat their authority with disregard and contempt. It was a plain, unequivocal avowal of the determination of the federal authorities in that state, to hold on to power, peaceably if they could, forcibly if they must.

This circular was sent far and wide. The leaders in New Jersey were early in possession of it. What effect it had upon their subsequent course is left to inference. The only facts we have are, that they defended it in principle, and carried it out in practice—as we shall see.

We now resume the narrative of events as they occurred.

The election, as we have already remarked, was held on the *ninth* and *tenth* days of October last. The Saturday next succeeding the election, being the day on which the clerks of the several counties were to "receive the returns from the townships before five o'clock in the afternoon," was the *thirteenth.* The seven days thereafter within which the county clerks were to send the "general lists of all the candidates voted for in their respective counties, together with the number of votes received for each of them," to the Governor, expires on the *twentieth.*

The result at every poll is known to the public the moment the votes are counted, and by the *fifteenth*, five days after the election,

it was known throughout the State, that five of the Democratic candidates for Congress were elected by an average majority of more than one hundred votes. The clerks of the counties in whose hands the returns were, had, therefore, *five* days after the result was known, for consultation and advisement, before sending their general lists to the Governor. Noting these facts, we pass by, for the present, the returns from all the counties, except those of Cumberland and Middlesex, merely observing that they were received at the executive office within the time prescribed.

The Cumberland return it appears was not made up by the Clerk of that county, until the *seventeenth*, at least *two days* after he had learned the general result in the State and after they had been for *four days* in his hands.*

Now it is only necessary to examine this paper to perceive that in the mind of *this Clerk*, at least a plan for reversing the election

* It is a singular document, and we give it, *verbatim et literatim*, as follows:

"A general list of all the candidates voted for, together with the number of votes received for each candidate to represent the State of New Jersey in the House of Representatives in Congress of the United States, during the twenty-sixth Congress:

At an election held in the county of Cumberland, in the said State, began on the ninth day of October, in the year of our Lord, one thousand eight hundred and thirty eight, and ended on the following day, as appears by the list of the several townships in said county, certified by the judges and inspectors thereof, duly transmitted and affiled of record of the Clerk's office of said county, viz:

FOR MEMBERS OF THE TWENTY-SIXTH CONGRESS.

Thomas Jones *York*, nine hundred and thirteen,	913
Charles C. Stratton, nine hundred and thirteen,	913
Joseph F. Randolph, nine hundred and thirteen,	913
William Halsted, nine hundred and eleven,	911
John P. B. Maxwell, nine hundred and twelve,	912
John B. Aycrigg, nine hundred and thirteen,	913
Joseph Kille, seven hundred and forty-one,	741
William R. Cooper, seven hundred and forty-three,	743
Daniel B. Ryall, seven hundred and forty-four,	744
Peter D. Vroom, seven hundred and forty-four,	744
Maning Force, seven hundred and forty-three,	743
Philamon Dickerson, seven hundred and forty-three,	743

The certificate of Deerfield township, the Congressional is headed thus:

FOR MEMBERS OF THE *Thirty-Sixth* CONGRESS ON THE PART OF NEW JERSEY.

Joseph Kille, two hundred and seventy-three,	273
William R. Cooper, two hundred and seventy-five,	275
Daniel B. Ryall, two hundred and seventy-one,	271
Peter D. Vroom, two hundred and seventy-six,	276
Maning Force, two hundred and seventy-three	273
Philamon Dickerson, two hundred and seventy-five,	275
Thomas Jones *York*, one hundred and seventy-seven,	177
Charles C. Stratton, one hundred and seventy-six,	176
Joseph F. Randolph, one hundred and seventy-six	176
William Halsted, one hundred and seventy-five,	175
John P. B. Maxwell, one hundred and seventy-seven	177
John B. Aycrigg, one hundred and seventy-seven,	177

In testimony whereof, I, Josiah Fithian, Clerk of the said county of Cumberland [SEAL.] have hereunto affixed my seal of office, and subscribed my name this seventeenth day of October, in the year of our Lord, one thousand eight hundred and thirty-eight, A. D. 1838. JOSIAH FITHIAN, *Clerk*."

was fixed when he prepared his return. On its face it purports to be a *full return of the whole county.* He does not say that the entire vote of the township of Millville was excluded. But he does say that this "general list" contains "the number of votes received for each candidate," "as appears by the list of *the several townships* in said county, certified by the judges and inspectors *thereof*, duly transmitted and affiled of record" in his office. The certificate was *false.* That list did not contain the number of votes received for each candidate, as appeared by the list of *the several townships* in the county of Cumberland. He took the responsibility of suppressing the returns from Millville, which gave the Democratic candidates a majority of one hundred and six votes; and also excluded from his general list the returns from Deerfield, which gave the Democratic candidates a majority of about one hundred. He appends, it is true, what purports to be an extract from the Deerfield returns; but, mark, he does it in a way to make it appear that it was included in the general return. He appends it as an explanatory note—not as an additional return—explanatory of what? of the preceding list, of course; leaving the inference plain that the general list embraced, as it purported to embrace all the returns, those of Deerfield among the rest. So that if the Governor and council thought proper to consider the return from Deerfield invalid, they might deduct it from the general aggregate.

Here was provision made for any emergency. The intent probably was, that the Millville majority of one hundred and six, should be expunged at all events. The seal and the silence of death was set to that. Then if it was found necessary, the Deerfield majority of one hundred could also be extinguished. And should it turn out after all, that the Federal candidates were still minus, the august Governor and Council, might have found somewhere in their profound constitutional researches, that the power of *subtracting*, had been conferred on them, as well as that of "*adding up*" figures, and were provided with a good and valid Federal apology for doing it.

Bearing in mind the facts, that on the *thirteenth* of October, the declaration issued from the high authorities at Harrisburgh, that the time had come, when the Federal party were to treat elections as if they had not been defeated, that on the *fifteenth* it was known throughout the State, that the Federal candidates were defeated by from one to two hundred majority in New Jersey—and that now, on the *seventeenth*, we have the Federal Clerk of Cumberland, with his official certificate, exhibiting a majority of one hundred and sixty-nine votes *for* his party in that county, when in truth and in fact the actual majority was thirty-seven *against* them—we will pass the next point of remark.

The *twentieth* of October, the day on which all the county lists were to be in, arrived; all had come except that from *Middlesex;*

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and, in the course of the day, the Governor reached the Capitol from his residence at Newark, bringing the Middlesex returns with him.*

This list, although dated on the *nineteenth*, was not prepared on that day, nor until several days thereafter, as we shall show before we have done. It was, no doubt, reserved until the last moment, that it might give just the finishing stroke necessary to carry the fair-business transaction which the leaders had on hand into effect.

Information that the Cumberland Clerk had expunged the Millville Democratic majority of one hundred and six, was received in New Brunswick on the *nineteenth;* the result of the poll exhibiting a Democratic majority in the State ranging to one hundred and ninety-eight, was accurately known at the same place on the *fifteenth*, and this return, which had been withheld up to the morning of the *twentieth*, was now put into the hands of the Governor as he passed through New Brunswick to Trenton.

When Fithian, the Clerk of Cumberland county, prepared his "List," we have seen that he was uncertain to what length it would be necessary to go, so he expunged the Democratic majority of one hundred and six, put the Deerfield majority of one hundred in a position to be cut off or not as might be necessary, and furnished the *hint* for disposing of yet another hundred of the majorities of the unruly Democrats if desperate need required. But Booraem's part was plain sailing. He waited until he ascertained the extreme

* The following is an accurate copy procured from the proper authority:

"*A List of Votes taken in the County of Middlesex on the ninth and tenth of October, A. D.* 1838, *for Members of the Twenty-Sixth Congress of the United States, as received at the Clerk's office from the Judges and Inspectors of the several Townships pursuant to law.*

Townships.	John B. Ayerigg.	John P. B. Maxwell.	William Halsted.	Joseph F. Randolph.	Charles C. Stratton.	Thomas J. Yorke.	Philemon Dickerson.	Manning Force.	Peter D. Vroom.	Daniel B. Ryall.	William R. Cooper.	Joseph Kille.	Whole number of votes.
North Brunswick.	494	494	493	494	494	494	377	375	377	376	377	377	872
South Brunswick.	249	249	250	249	249	249	154	154	155	155	154	154	404
Piscataway.	277	277	277	277	276	277	181	180	181	181	181	181	460
Woodbridge.	347	346	346	348	346	345	376	369	377	376	374	374	723
Monroe.	262	262	262	261	262	262	84	84	80	84	84	84	347
Perth Amboy.	82	81	82	82	82	81	114	112	115	114	114	114	197
South Amboy.*													
	1711	1709	1710	1711	1709	1708	1286	1274	1285	1286	1284	1284	3003

* From this Township no return, pursuant to law, has been received.

In witness whereof, I have hereunto set my hand this thirteenth day of October, A. D. 1838.

N. BOORAEM, *Clerk of the county of Middlesex.*

majority; and that Fithian had disposed of one hundred and six certainly; and he just dashed his pen across the returns from Amboy, which gave the Democratic ticket *two hundred and fifty-two majority;* and the job was finished to order "The election treated as if they had not been defeated."

To proceed with the narrative. The Governor and his Privy Council met on the *twenty-fourth* of October, for the purpose of "casting up the whole number of votes from the several counties for each candidate," and "determining the six persons who had the greatest number of votes from the whole State for Representatives," so according to law. That is, to ascertain and announce a fact with which every man, woman and child of ten years old in the State, was perfectly acquainted, and had been for at least nine days already.

They were officially informed at once, of the fact, equally notorious, that the clerks of Cumberland and Middlesex, had made false and fraudulent omissions—had sent up only partial lists—and not the general lists required by law, that the returns from two entire townships were wholly omitted—and that consequently it was the duty of the Governor to "send express" and procure the omitted lists. This information was pressed upon them in every possible shape. The judges and inspectors of election of South Amboy and Millville, furnished the returns of their respective townships, sealed, certified, sworn to, and accompanied with evidence, amounting to absolute demonstration, not only of the correctness of the returns, but of their fraudulent rejection by the county clerks. Citizens petitioned, and remonstrated, and claimed to be heard—but in vain. The whole subject was referred to a committee of Federalists, who, on the *thirty-first* of October, reported—

That "the committee to whom the returns from the county clerks, and certain papers on file, were referred, in relation to the copies of the returns of the election in the townships of South Amboy in Middlesex, and Millville in Cumberland, verified by the oaths of the respective election officers, and certain other affidavits relating to the cause and manner of their being excluded from the returns of the clerks of the counties, *as they do not appear to have been transmitted*, or *in any manner certified by the clerks of the said counties* of Middlesex and Cumberland, that they are of opinion the same are not properly before the Governor and Privy Council, and cannot be recognised or received by them."

This was the very case for which the law had provided, by making the Governor, in case the proper lists were not transmitted by any of the clerks, "forthwith to send express to the clerk of the county or counties from which such certified lists of votes had not been received, and procure the same, at the expense of the State." It will be recollected, that the Governor had been aware of the omission in the Cumberland and Middlesex cases from the first. He had received the partial return of the Middlesex Clerk from his own hand, on the twentieth of October, and brought it to Trenton himself. He had been officially apprised of the facts, and called upon day after day to do his duty, and refused.

Now, after conference with his Privy Council, they raised this

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very difficulty, that the clerks had not transmitted the returns; that the lists had not been received; and sheltered themselves behind it. At this crisis, the Hon. Mr. Morris, a Democratic member of the Council, submitted a resolution to remedy the difficulty, by sending expresses to the clerks of these counties, for the omitted returns. It was *negatived*—every Federalist voting against it. The report of the Committee was taken up and *adopted*—every Federalist voting for it, and they proceeded, forthwith, on the same day to count the partial returns from the clerks, excluding the entire votes of the people of Millville and South Amboy, and declared that the Federal candidates were duly elected according to law.

Let it never be forgotten—that the objection made to counting the votes from these townships, by the Governor and Privy Council, was not that they had not been transmitted at all, but solely that "*they had not been transmitted by the clerks.*" They were before the Council—authenticated by every other possible description of evidence—undisputed, unchallenged, unquestioned; but "they had not been transmitted by the clerks.' That was the point made, that the objection taken, and that only. There it stands, "solitary and alone" upon the record, and there it will stand forever.

Let it never be forgotten, that the law made it the official duty of the head of that Council, to "send for" and "procure" such returns, as should be omitted, and that he refused to do it. That the Privy Council were called upon by a resolution introduced by one of its members, to "send for" and "procure" these returns, and that they refused to do it. That they were then called upon to count the returns which had been procured from the township election officers, and laid before them, and that they refused to do it.

Let it never be forgotten, that these returns from Millville and South Amboy, were suppressed by Federal clerks. That those townships gave a clear majority for the Democratic ticket of *three hundred and fifty-eight.* That all the returns counted, five of the Democratic candidates were elected by a majority of from sixty to about two hundred—and that by this process the election made by the people of New Jersey was reversed. By this process, two party clerks, and a party Governor and Council, *put out their political opponents, and put in their political friends.**

* *The following table exhibits the result of the election, had the votes of the townships of Millville and South Amboy been counted.*

	Dickerson.	Force.	Vroom.	Ryall.	Cooper.	Kille.	Aycrigg.	Maxwell.	Halsted.	Randolph.	Stratton.	Yorke.
General List.	27951	27813	27990	27939	27954	27925	28150	28239	28192	28283	28252	28177
Millville votes.	206	205	206	206	206	206	100	100	100	100	100	100
South Amboy do.	296	296	296	296	296	296	44	44	44	44	44	44
Whole number.	28453	28314	28492	28441	28456	28427	28294	28383	28336	28427	28396	28321

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We have said the Governor and his Privy Council put their defence upon a single point. It is perhaps, due to them that we should state the point with greater distinctness than we have done. It is this—that they acted in the matter as mere ministerial officers; that returns *in form* had been made from all the counties, that they had no right to go beyond the mere *form* of the returns, and could not amend, correct, reject, or set them aside for any other reason than informality.

This is their whole argument. It assumes in the *first* place—that it is unlawful for a New Jersey Governor and Privy Council, to have eyes to see, ears to hear, or understanding to comprehend any thing in an election case but the marks and figures of county clerks, that they have no right to *know* any thing but what the county clerks tell them, that if Clerk Booream, or Clerk Fithian, informs them there are but three townships in Middlesex and two in Cumberland, they are bound not only to believe it, but to swear to it, because they are "ministerial officers."

It assumes in the second place, that *form* is every thing, *substance* nothing. That if a county clerk sends a return in form, though false upon its face in every sentence, and word and figure, known by every body to be so, admitted on all hands to be so, proved by testimony as clear as light to be so, they are not to hesitate, or doubt, or inquire, because the proved and perjured villainy, is a thing in "*form*."

And it assumes that in New Jersey the voice of the people is nothing—the voice of the county clerks, every thing. That the clerks and not the people have the power to determine who shall represent them; and that the will of the former is the law of the case.

Now to all this the simple answer is, that the clear and manifest *intention* of the law, is the guide for all who administer, as well as for all who are subject to it. The law clearly vests in the people the right to choose their representatives, when the choice is made, it directs that the proper officers shall ascertain and announce the fact *truly*.

It directs the Governor and his Privy Counsellors to do it. Who are they? The chief executive magistrate, who is also the Chancellor, and the members of the highest court in the State. What are they to do? To ascertain and determine the six persons who have received the greatest number of votes from the whole State. How? By casting up the whole number of votes from the several counties returned by the clerks. But suppose the clerks do not return the whole number of votes, what then? Why the Governor is to send expresses for them, and procure them. If the clerks refuse to make the required returns, then, *ex necessitate*, other evidence is to be taken; and a township return, if so authenticated

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as to be legal evidence to the clerk, is legal evidence to the Governor and Council.

Can there be a doubt about it. Why, the very same statute which prescribes the mode of proceeding in the election of representatives to Congress, from the act of nominating to the act of commissioning, prescribes the same for the election of electors of President and Vice President—the directions are the same, word for word. And is it possible, that electors of the first officers of the Union are to be the creatures of county clerks. If the Governor and Council are mere automatons, and can move only as an insignificant county clerk shall pull the wire, in one case, they are so in the other. A House of Representatives may correct the error in the first—but the elector once commissioned, there is no power on earth, to look behind that commission, or to stay his hand. The doctrine is wrong in theory, and would be monstrous in practice.

The people never so intended—the legislature never so intended, the law is not so. But suppose it had been a doubtful question of construction; suppose honest men might possibly differ about the *terms* of the statute—and no one, surely would doubt the intention, how should an honest Governor and Council have acted? Should they not have leaned to that construction which, while it carried out the intention of the law, arrived at the truth and justice of the case, gave effect to the will of the people, and favored liberty? Or should they have done as this Governor and Council did—strain a point to give effect to fraud, to reach a false result, and violate the sacred principles and genius of republicanism?

But again. The doctrine advanced by the Governor and Privy Council, that "they have no right to go beyond the mere form of the returns, and cannot *amend, correct,* or *reject, or set them aside* for any other reason, than that they are not made in *due form of law,*" (we quote from their official exposé) is not only absurd, but in direct opposition to all former precedents, and was in fact, violated by this very Council.

1. It is contrary to precedent. In 1828, by the return of the clerk of Burlington, it appeared that John *J.* Ely, John *S.* Ely, and John *F.* Ely, had been voted for; the Governor and Council "amended" the return by transferring all these votes to the name of John J. Ely. Several other errors of the same kind were corrected in the same manner; votes given to Peter D. Vroom were transferred to Peter D. Vroom, *junior;* votes given to Robert McCarter were transferred to Robert *H.* McCarter; and votes given to Abraham *Godman* were transferred to Abraham *Godwin.* In 1830 the Clerk of the county of Gloucester returned nine hundred and twenty-six votes given to Silas Con*dict;* the names of Silas Con*dict* and Silas Con*dit* were both on nomination for Congress, and the latter had received the vote in other counties, but

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had not sufficient to elect him without the addition of the Gloucester vote. A Democratic privy council transferred these votes to him, and declared him elected, though he was a political opponent, and, by this amendment of the returns, was elected over a political friend. In 1832 the officers of election of Millville township, in Cumberland, failed to make their return to the county clerk within the time limited by law. The law required the return to be made before five o'clock on the tenth of November, and it was not received until twelve o'clock at night. The Clerk completed his list and sent it to the Governor on the tenth, omitting the Millville vote; but, on the twelfth, he sent up a certificate of the facts, and the Governor and Council *added the Millville votes to their general list*, and declared the whole Democratic ticket elected, though, by excluding the returns from that township, Lewis Condit would have had a majority. This was a federal council, composed, in part, of Governor Southard, Ex-Governor Williamson, and Mr. Sealey, who was afterwards Governor, and Dr. Condit was the candidate of their party. This case was exactly similar to that of last October. In both cases the return from Millville was received too late; in the first case at *twelve*, and in the second at *eleven*, P. M. of the last return day. In both cases the Clerk *omitted* the vote of that township in making his return to the Governor. In both cases the vote of Millville cast the majority on the Democratic side. In the first case the omission was "*corrected*;" in the last the power of correction was denied.

2. It was in fact violated by this very council. This same Cumberland Clerk returned, as we have seen, nine hundred and thirteen votes, given to Thomas Jones *York* and others, as Representatives in the *twenty-sixth* Congress; and also in his explanatory note of the Deerfield return, gives one hundred and seventy-seven votes to Thomas Jones *York* and others, as Representatives in the *thirty-sixth* Congress. Yet the Council "amended and corrected" the returns by carrying all these votes to the account of Thomas Jones *Yorke* and others, as members of the *twenty-sixth* Congress. This was necessary to make out Mr. Yorke's majority. In the return from Hunterdon the vote for William Halsted is given "one thousand six hundred and eight." The Council resorted to other evidence beyond the official return, discovered that the vote for Mr. Halsted in Hunterdon was one thousand six hundred and eighty, and "amended and corrected" the return of the Clerk accordingly.

One more aspect of this case remains to be reviewed. We shall do it very briefly.

It is said that the returns from the townships of South Amboy and Millville not having been made to the clerks of the respective counties in due form, within the proper time, ought not to have been counted by the Governor and Council. The facts are these:

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The South Amboy return was made up in due form, except that it was not signed by the Clerk of the election, and that no certificate of the election of James M. Warren, as one of the inspectors, he having been duly elected to that office on the morning of the first day of election, was sent with the return. The return was delivered to the Clerk of the county on the twelfth of October, by Mr. Wood, the Clerk of election; he states, under oath, that he delivered it on that day to Mr. Booream, and "asked the said Nicholas Booream if it was correct, so that if it was not it might be made correct, to which the said Nicholas Booream replied, as this deponent believes, that *it was all right*, and proceeded to take down the votes for members of Congress from off the said certificate along with the returns of other townships, before deponent left the office." And the fact is that he did, in the first official list prepared by him, include the South Amboy return, for Mr. Steele has deposed that Booream showed him the official list, with all the townships in it, on the *fifteenth*, in the Clerk's office.

The first return from Millville was informal in two or three particulars; but the only objection to the *second* was, that it was received *six hours* after the appointed time, though *four days* before the county Clerk actually made up his return for the county. For the second return for Millville was delivered to the Clerk at ten, P. M. on Saturday, the thirteenth of October, and his return to the Governor is dated the seventeenth.

The grounds, therefore, upon which these returns were rejected are:

1. For want of the signature of the Clerk of election; and
2. For want of a certificate of the election of an inspector in South Amboy; and
3. Because received six hours after time in the Millville case.

Now, upon examination of the official returns from all the counties on file in the Secretary of State's office in New Jersey, it appears that no certificate of the election of the person who acted as judge in Dover township, *Monmouth* county, was received in time, and that no lawful certificates of the election of either judges or inspectors in Shrewsbury or Dover townships, were ever received by the county Clerk. In *Burlington* county the returns from the townships of Burlington, Washington, Chesterfield, New Haven, and Little Eggharbour, were neither of them signed by the Clerks of election; the return from Mansfield township was without the signature of the Clerk and one of the inspectors; and that from Chester township was received open and unsealed; and in Somerset county no certificate was ever filed with the Clerk of the election of William Parker, who appears, by the returns, to have acted as one of the inspectors in Franklin township.

Yet the returns from all these townships, though accompanied with the evidence of these informalities, were received and counted.

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Shrewsbury	gave a	federal	majority	of	-	-	-	63
Dover	"	"	"	"	-	-	-	246
Burlington	"	"	"	"	-	-	-	17
Washington	"	"	"	"		-	-	138
Little Egghарbour		"	"	"	-	-	-	65
Mansfield	"	"	"	"	-	-	-	9
Chesterfield		"	"	"	-	-	-	52
New Hanover		"	"	"	-	-	-	34
Chester		"	"	"	-	-	-	18
Franklin		"	"	"	-	-	-	207
	Making a total of							849

Thus, while the township returns of South Amboy, giving a Democratic majority of two hundred and fifty-two, were rejected for want of the signature of the Clerk, and the certificate of the election of an inspector, the returns of *ten* federal townships, giving a federal majority of eight hundred and forty-nine votes, though all wanting one or both the requisites adjudged vital in the Amboy case, or some other equally important, were received and counted.

We have now seen that the decision in the Millville case was in violation of the principle settled in 1832; and that the decision in the Amboy case was in violation of the principles settled in ten other identically similar cases, at the same election, by the Governor and Council in 1838.

We have thus presented a brief narrative of the facts and circumstances of the most alarming fraud ever perpetrated against the right of suffrage in this country since the establishment of our national independence. We have seen the candidates for Congress nominated, voted for, and elected by the people, set aside by a Governor and Council, opposed to them in politics, and men commissioned in their stead, whom the people have rejected, because they had no confidence either in their political principles, or personal qualifications. We have seen this conspiracy generated in the fraud and perfidy of two federal returning officers, rejecting the votes of whole townships without legal authority, and in direct violation of all precedent and usage; the Governor refusing to do his duty under pretext of as petty a quibble as ever disgraced a tyro at pettifogging, and urging the want of the very evidence he was bound to procure as a reason for rejecting all other evidence of the truth of facts in themselves as clear as noon-day. We have seen a Governor and Council, adhering to a settled rule so far as it favored their own party, and setting it aside whenever it favored their opponents—counting informal returns from the townships which gave them majorities, and refusing to count informal returns from townships which gave majorities against them. We have seen them officially declaring persons elected whom they knew, and

every body knew, were not elected; leaping over the restraints of law, the obligations of duty, and the sanctity of their oaths, to reach a false result, to carry out and give effect to fraud, and to reverse the decision of the people of a free State.

And now, what are we told? That Nicholas Booraem did right in expunging the return of South Amboy, after having declared to one of the officers of election that it was correct, after entering it upon his general list and exhibiting it to the public; concealing from them all suspicion of the informality, although the inquiry was made with a view to its amendment in lawful time; and not even certifying what the return was, and wherein it was informal? Do they say that Josiah Fithian did right in suppressing the Millville return, though made to him in due and legal *form*, four days before he made up his general list; and in omitting, contrary to the uniform usage in such cases, established as correct, by his predecessors in office, and recognised as correct, by the Governor and Council in 1832, to certify the return with the fact of its late reception? Do they say the Governor and Council did right in refusing to send express for the omitted returns, in shutting their eyes against all collateral evidence and refusing to procure the evidence which they pretended was, alone, legal;—in counting informal returns when in their favor, and refusing to count like informal returns when against them;—in amending and correcting returns when it suited them, and contending that they had no power to do so when it did not suit them; in giving effect to fraud—validity to falsehood—and certifying that to be a fact which was not so? No! there is scarce one still small voice, that now fortifies, defends, or palliates those acts.

But it has been discovered that the judge and inspectors of election at Millville, acting upon their construction of the Constitution of New Jersey, which declares that "all *inhabitants* of the State worth fifty pounds, and having resided in the county a year shall be entitled to vote," admitted several persons who were "inhabitants,' of sufficient property and residence, but not naturalized, to vote at the election; the first vote of whom, and the only one challenged, was a federalist, as were several of the others. And the whole tune of the federal leaders is changed. They abandon all their former grounds, and put themselves upon the allegation that they were defeated by illegal votes. Yet they cling to their fraudulent commissions. They hope to dodge the question as to the legality of these,—slip into the House of Representatives under the wing of a federal majority, upon the prima facie evidence of the Governor's commissions, and hold on while the House takes a twelve months' hunt after illegal votes through one hundred and fifty townships in the State, assured that the hunt, if it produced nothing else, will result in a mass of testimony utterly incapable of examination, from its very voluminousness—and that the House would, probably, to get

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rid of the difficulty, order a new election. And then, their pliant tools, grown bold by impunity, and flushed with the success of this first successful experiment in "treating elections as if they had not been defeated" would doubtless take care to profit by the example.

It is thus that, step by step, we see developed the deep laid, settled plan of a party, always hostile to popular liberty and the right of suffrage, to circumvent, overthrow, and destroy it. If it succeeds, another revolution must follow, or liberty ultimately and hopelessly perish from the earth.

In the preceding narrative of this alarming outrage upon the most sacred institutions of our country, it will be perceived that we have permitted the facts to speak for themselves, and where the circumstances would justify, and seem to call for the utmost severity of language, we have preferred to let them make their own impression, assisted only by the convincing eloquence of truth and fact. In this course we have relied upon what never deceives in public matters, the sagacity and good sense of the people, to make the proper conclusions as to the ultimate tendencies of such desperate excesses.

Already does the federal party which sought to benefit itself by this iniquitous proceeding appear to shrink from the heavy responsibility of enjoying a triumph so procured. The candidates thus fraudulently elected, have sought to better their position by publicly addressing their injured competitors a proposition to submit the matter to another election, as the gambler vociferates for a new deal, that he may have another fair chance for the stake which he had thought to have won by slight of hand. The Democratic members we need scarcely add, had too strong a sense of the principles involved in their case to give a moment's countenance to the offer.

The whole case has now gone before the people in their last capacity, to be decided, not by the vote of faction, or the party interests of the hour, but by that truth and justice in which the foundations of our whole constitutional fabric have been laid. It is, therefore, of vital importance that right impressions should prevail respecting it in all its bearings, that a healthy public opinion may be created, in the full cognizance of which every representative must give his vote upon this momentous question. For if the people, through their representatives, can for a moment sanction a party ascendency obtained by a deliberate violation of the solemn right of suffrage, in which, not merely our parties, but all our cherished institutions, live, move, and have their being, then indeed may we begin to despair of the republic—then indeed may we fear that the great experiment of human liberty and happiness as dependent on a self-governing people, on which, hang the hopes of the world, will be in danger of failure, and our liberty itself be jeoparded in a strife, in which the successful fraud of one party may be at once resisted, and redressed by the successful strength of another.

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NOTES OF THE MONTH.

MONTGOMERY'S GUATEMALA.

Mr. Montgomery, who was charged with some diplomatic commission to the Government of Guatemala, has published the incidents of his tour in a small volume. The work is not so copious in local information as Dunn's Sketches of the same region, published in 1828, but, nevertheless, will be found interesting as containing recent descriptions of a country in many respects worthy our closest attention. We shall merely extract a few passages that struck us in glancing over it.

The following description of the romantic river Izabal gives a good idea of the wild beauty and grandeur of its solitary scenery. Mr. Montgomery passed up it in a small English steamer, which would seem to have effectually banished the hordes of murderous pirates that used to infest it a few years ago, as our author writes as if unaware of their existence:

"About midnight the moon rose, and the effect of her pale silvery light on the trees and the water was beautiful beyond description. I could now see objects more distinctly, and felt satisfied that if there is any thing picturesque, beautiful, and sublime in nature, it must be the entrance to this river. The banks rise to a height of from two or three hundred feet, and are clothed with a rich and impenetrable foliage, the branches of the trees spreading several yards over the water. In some places this foliage suddenly disappears, and a vast naked rock, smooth and flat, and perfectly perpendicular, rises like a stupendous wall, at the foot of which the depth of water admits of a vessel, brushing the very face of the precipice without danger. Here and there may be seen a rill of water, as clear as crystal, coursing from top to bottom of this natural wall, or gushing out from a fissure in its side. At other places, a group of rocks assumes the appearance of an old castle or ruinous fortification. The stream varies in width from a hundred and fifty to three hundred feet, and is in many places thirty fathoms deep. It is dotted at intervals with little islands covered with reeds; and the sharp turnings it makes, give continual interest and variety to the scenery.

"As we proceeded, the noise of the water thrown up by the paddles startled the tenants of this beautiful wilderness; and every now and then we heard a plunge, like that of an alligator, or an otter, seeking the deepest recesses of the river, or the scream of an aquatic bird flying across the stream; the only sounds that disturb the silence of this solitary scene."

Carrera, the insurgent chief, whose armed followers every where caused the greatest insecurity and alarm during Mr. Montgomery's visit, is described with some detail. He is a half Indian, and was a soldier in the Federal army, where he never attained a higher rank than corporal:

"On the disbanding the troops he was discharged; and being left to his own resources, he was fain to procure a precarious subsistence by dealing in hogs, which he bought in the country and sold in the market of Guatemala. When the sanitary regulations were adopted, he was appointed to the charge of one of the stations, with the command of about a dozen men. With these few men, whom he seduced, and persuaded to follow him in his hazardous enterprise, he appeared in open rebellion, proclaiming a new order of things, and calling upon the inhabitants of the Indian villages he marched through to join his standard. This little force increased almost immediately to sixty men, and continuing to augment, enabled Carrera to attack and destroy, on several occasions, the scattered troops of the Government, whose arms and accoutrements he distributed among his followers. The views which Carrera professed to entertain could not be more flattering to the prejudices, nor better calculated to dazzle the minds, of the infatuated Indians. These views he declared to be the reinstatement of the Archbishop, who had been expelled from Guatemala, the restitution of the Church property, the restoration of the Monkish orders, the revival of the old Spanish laws, the expulsion of foreigners, and the abolition of contributions."

The activity of this ignorant leader and his influence over the aboriginal tribes enabled him to achieve many successes over detached parties of the government forces; and, finally, after refusing all offers of accommodation, he attacked and captured Guatemala, and, after committing every species of excess, was bought off by a contribution of money and arms by the inhabitants.

"But from that day the star of Carrera ceased to shine with its usual brightness. Having attacked the town of Amatitan with a body of four hundred men, he was repulsed with much loss by a company of sixty Federal soldiers. He was equally unsuccessful in another attack upon another town, called *Salamá*, where he lost several men, and was obliged to retreat in disorder. As the season advanced, he saw his ranks becoming daily more thin by the desertion of his followers, who left him in order to attend to the collection of their little corn crops, on which the subsistence of their families depended. In this state of things a conspiracy was formed against him by one of his associates, called Monreal. This man, and a few others who had joined in the enterprise, suddenly fell upon Carrera at a moment when he was alone, secured his person, conducted him to a solitary place, and, having tied him to a tree, were on the point of shooting him, when the timely arrival of Laureano, Carrera's brother, saved the victim from the doom that threatened him. The tables were now turned upon Monreal, who, before he could effect his escape, was seized, and shot at the foot of the same tree to which he had tied his chief.

"In the meantime, General Morazan, the President, had taken the command of the army in person, and having organized and increased it, made so skilful a disposition of his troops that whichever way the insurgents turned, they were met by an opposing force. Carrera now was fain to betake himself to the mountains, from which he descended occasionally to scour the country and procure the means of subsistence. In these excursions his force was divided into small parties of from twenty to fifty men. His practice was to abstain from touching the persons or properties of the Indians, or poorer class of the whites, and to respect the curates. But the haciendas of the rich were attacked and plundered, the wealthy in small defenceless towns were subjected to heavy contributions, foreigners falling into their hands were cut off without mercy, and the unwary traveller was stopped on the road and stripped of every thing.

"Such was still the posture of affairs at the time of my departure from the country. It is probable, however, that while this is being written, the active measures of General Morazan for putting down the insurrection have been successful, and that the career of the rebel hero has been brought to a close."

The following is a description of General Morazan, the President, with which we are constrained to conclude our notice of the work:

"He was dressed in plain clothes, and seemed to be about forty years of age, small of stature, and rather of a dark complexion. In his manner and conversation there was some appearance of constraint or reserve; yet he had a fine expression of countenance, and eyes beaming with intelligence.

"His own talents, together with a combination of fortunate circumstances, have raised General Morazan to the distinguished station he now occupies. In early life, he was a clerk in a merchant's store. Subsequently he entered the army, and soon after acquired some property by a matrimonial alliance. He was rapidly promoted, and thus placed in circumstances which enabled him to take an active part in politics. Having joined what was then called the popular party, the activity he displayed, and the influence he exercised, very soon caused him to be regarded as the leader of it. His talents, both as a soldier and a politician, soon gained for his party the ascendant; and from one success to another, he finally arrived at the presidency. On reaching this point, he divested himself of all party feelings and political predilections. He also did not hesitate to make a temporary resignation of his civil authority, in order to direct in person the operations of the army. This policy, so far from diminishing, has rather increased his power and credit; for he is now sought and courted by men of all opinions. He is regarded by them as the anchor of their hope, or as the pilot who is to guide the ship of state in safety through the storms that assail it."

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A L'ABRI.

When Madame de Genlis published her romance called "Les Battuecas," all Paris was on the qui vive to know what could be the origin of so singular a phrase. What is the meaning of *les Battuecas?* was the exclamation of all the literary coteries, and every body fancied that of necessity there must be something original and interesting veiled under a title so utterly incomprehensible. And yet the Spanish legend of the Battuecas afforded a basis sufficiently definite and striking for all the purposes of romance, but what shall we think of small-talk about planting corn and weeding turnips, of farming and philosophy, reminiscences and gossip, appearing as a whimsical series of "Letters from under a Bridge," and afterwards collected into a book with the cabalastic title of "*A l'Abri.*" Mr. Willis, it seems, has "pitched his tent," after many wanderings, in a beautiful glen on the Susquehannah, and has chosen to signalize the auspicious event by this emblematic title to a book, in which he employs his gay and brilliant pen, for the first time, in illustrating the congenial theme of a happy home and its pursuits. Making every due allowance for this ostentatious singularity in a title, and it is impossible not to be interested and delighted with the charming gossip of this little work, which pictures country life and occupations—bating, however, a good deal of affectation—with a pen from which freshness, poetry and grace flow with natural ease, and are employed with accomplished tact. Not since White's History of Selborne has there been published a work that describes more delightfully the bustle and the leisure, the enjoyments and pleasures of an elegant country life.

PHOTOGENIC DRAWING.

This interesting discovery is prosecuted with ardor in Europe, and already has been turned to striking account. Since publicity has been given to Mr. Talbot's process, the Literary Gazette says, that many and important improvements have been made, by Sir J. Herschell, and others, among men of science, and by artists, especially engravers; in the hands of two of these, who appear to have simultaneously made the same discovery, it has become an important art. Mr. J. F. Havell, and Mr. Willimore, both of London, have, by covering glass with *etching ground* and smoke, sketched designs upon it. Through the glass thus exposed by the scratches, the photogenic paper receives the light, and the design which the sun may be said to print, may be multiplied with perfect identity forever! Designs thus produced will probably become much more common, and even more generally applicable than lithography, because all the means are more readily accessible, whilst it will receive its rank as an art, and be excellent in proportion to the skill of the artist, as a draughtsman with the etching needle. The size need no longer be kept down by that of the printing press, as the size of the glass can alone limit the size of the design. This is a real and valuable discovery, applicable to a thousand purposes. Mr. Havell, and his brother, a well known painter in England, have succeeded in giving some true colors also, to their productions, by the action of light. Beautiful imitations of washed bistre drawings may be produced, by *stopping out* the light on the glass by black varnish, which will obstruct the transmission of light in proportion to the thickness with which the varnish is laid on; and specimens like fine mezzotinto prints have been produced by this process.

We perceive, moreover, by numerous advertisements in the London literary papers, that photogenic drawing paper, has already become an article of commerce, and is sold by the chemists and opticans, of all sizes, thus domesticating an art, beautiful as nature, and universal as sunlight.

A process similar to that of M. Daguerre, of France, and Mr. Fox Talbot, of England, has been tried successfully by a gentleman of Cincinnati. The Republican newspaper gives the following account of his mode of making pictures.

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"Some experiments on photogenic drawing have been made by professor Locke, of the Medical College of Ohio, and with entire success. He prepared paper chemically for this purpose, and placed it under some astronomical diagrams, which were then exposed to the sun's rays. The new picture was in a few minutes formed and removed, and a process used, by which the figures were permanently fixed. The specimens thus produced are in every respect satisfactory. They look as though they had been most carefully engraven.

WESTERN LITERATURE.

We turn with sincerest pleasure to every indication of a growing literary spirit in the rich and extensive regions of our Western States, for it is thence that genuine and unalloyed American literature must arise. Star after star in our national constellation is rising in that glorious region, and it is cheering to think, whatever may be the relation of their politics to the parties of the country, that the institutions of all the Western States are thoroughly democratic—framed to promote the greatest happiness of the greatest number, and to secure in every act and department of government the thorough ascendency of the people. We care but little for the varying shades of present politics in contemplating the great results upon the future destinies of the country and of the human family, which such a systematic popular control must ultimately effect. One of its earliest results will be a healthy, rich and original literature—"not such as Europe breeds in her decay," but deriving its energy and usefulness from the noblest development and expansion of the human intellect, and drawing sublimest inspiration from a scenery and history all her own.

We welcome, then, with pleasure into the field a periodical publication of which the first number now lies before us, published at Pittsburgh, and devoted to the express development of the young talents of the West. It is called the Western Literary Examiner, and as a first number, abounds with evidences of signal talent. If a literary idler like ourselves wished to subscribe to any periodical it would assuredly be to such a one as this from the West.

THE NEW YORK HISTORICAL SOCIETY.

This body has recently made itself conspicuous by its laudable efforts to celebrate in suitable style the fiftieth anniversary of Washington's Inauguration, the beautiful ode written by Mr. Bryant for which occasion was published in our last number, and the oration which it called forth from Mr. Adams, is now in the press. But a greater and more appropriate merit, consists in its agency to procure from the State the appointment of a competent individual to visit Europe, for the purpose of procuring all the official materials for the colonial history of New York, which exist in the archives of England and Holland. The importance of this subject to every person acquainted with the scarcity of materials existing in this country, for an accurate colonial history, will ensure the thanks of every one conversant with the subject to the exertions which effected such a laudable object.

*** The excess of political matter in our late numbers has occasioned the omission of several light articles on file for insertion. Among others, the conclusion of "A Soldier's Story" has been necessarily postponed.

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